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O'Beirne Goes Boy Crazy • King Slaps *Bitch*

NATIONAL REVIEW

China Boosters

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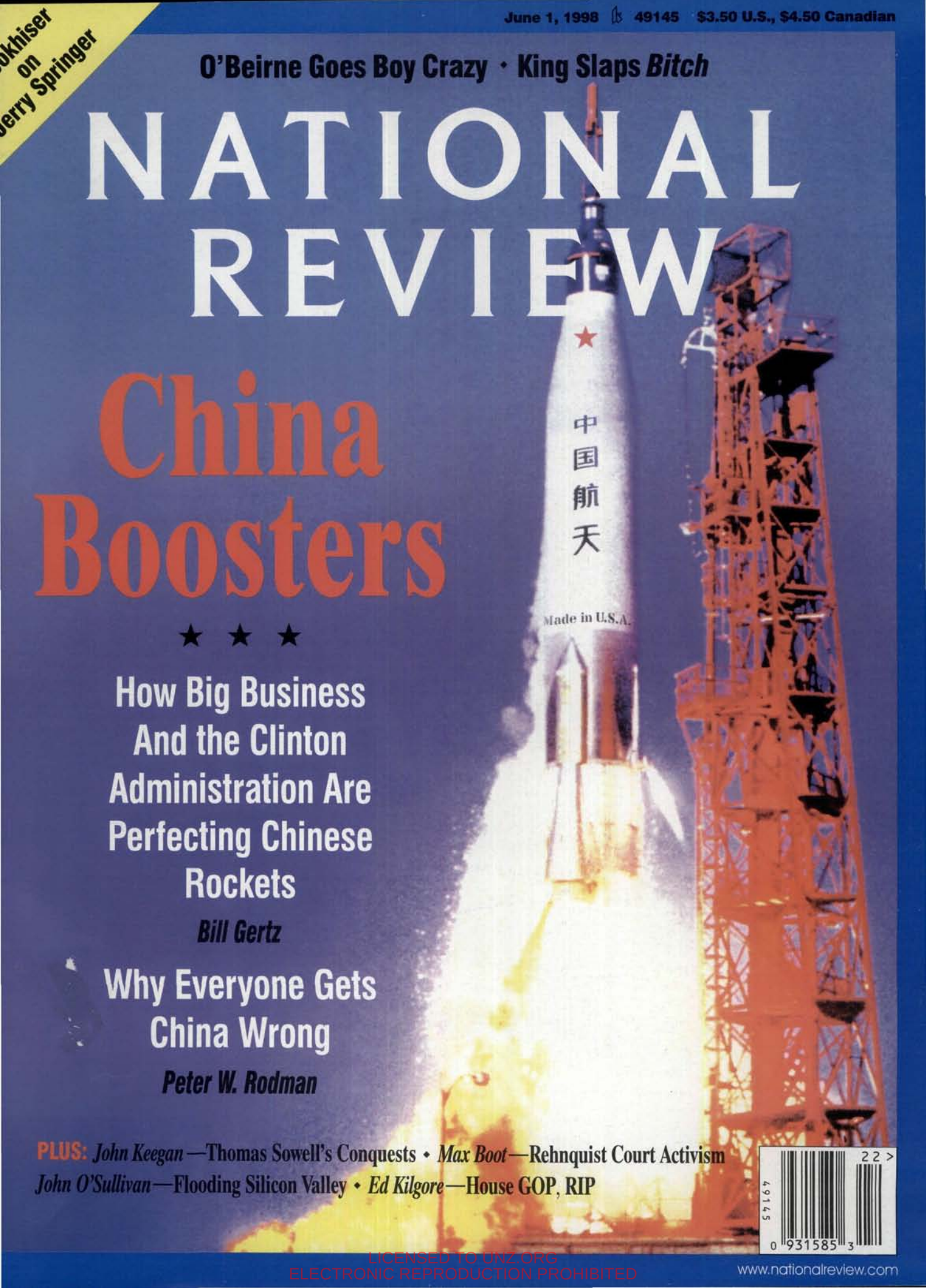
How Big Business And the Clinton Administration Are Perfecting Chinese Rockets

Bill Gertz

Why Everyone Gets China Wrong

Peter W. Rodman



PLUS: *John Keegan*—Thomas Sowell's Conquests • *Max Boot*—Rehnquist Court Activism
John O'Sullivan—Flooding Silicon Valley • *Ed Kilgore*—House GOP, RIP

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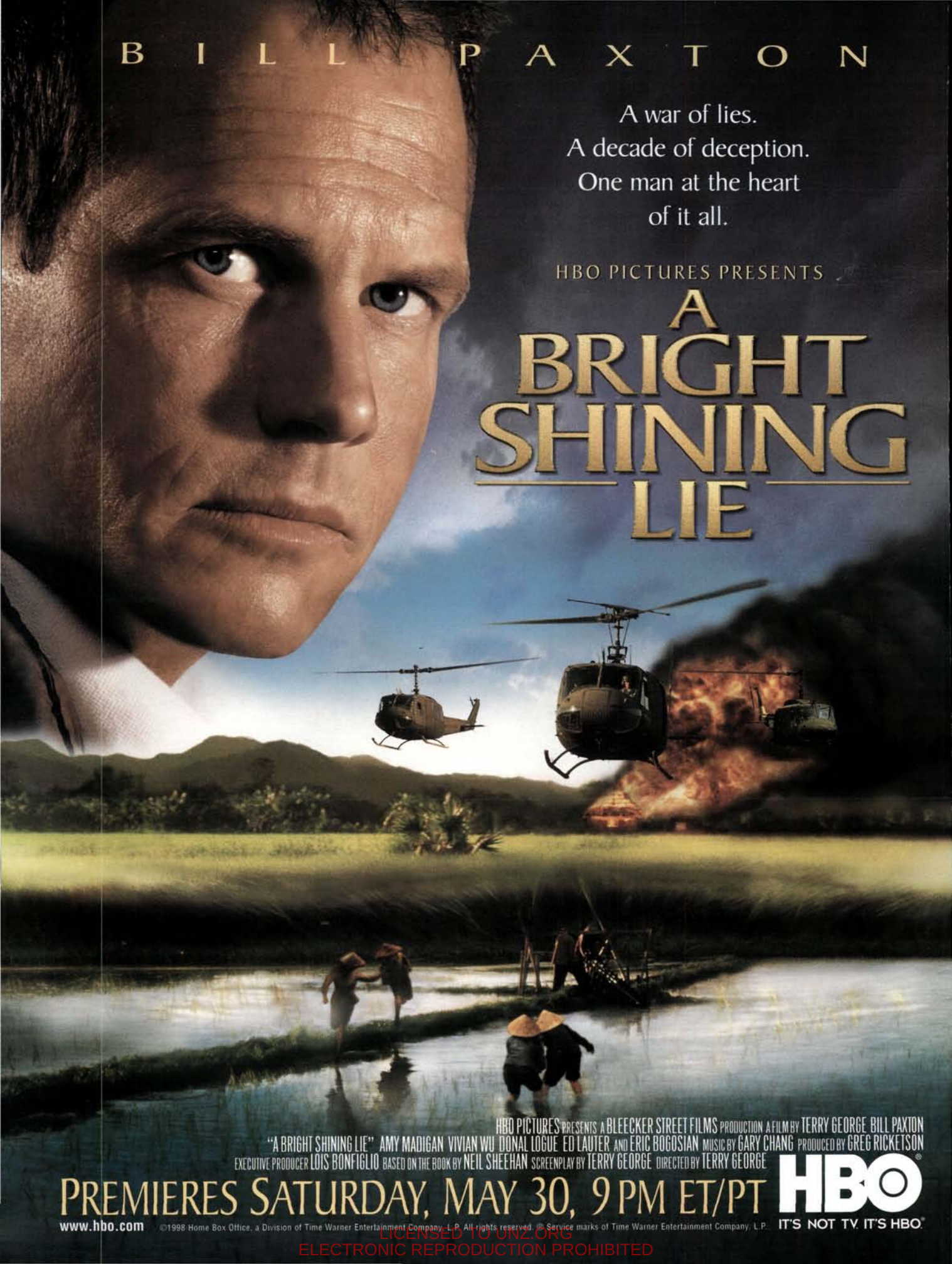
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COVER STORY

43 ***Chinese Delivery***
Bill Gertz describes the forces behind the Clinton Administration's scandalous missile offense (p. 43). . . . **Peter W. Rodman** explains why the United States' China policy includes everything but a strategy (p. 45).

ARTICLES

24 ***Scandal File***
Thomas Galvin defends the Beltway villain of the hour, GOP investigator Dave Bossie. . . . **Mark R. Levin** hushes up Susan McDougal's defenders. . . . **Rob Long** dines with the President, and loves it. . . . **Kate O'Beirne** has boy trouble.

30 ***Unrestrained***
Its decisions may be right, says **Max Boot**, but the Rehnquist Court is still all wrong.

34 ***House GOP, R I P***
House Republicans had better start thinking the unthinkable, warns **Ed Kilgore**.

36 ***Mega-Risk***
Lawrence Kudlow explains why big mergers may eventually mean a big bill for taxpayers.

38 ***Failing Grade***
Richard Nadler asks why the education establishment shuns a successful educational theorist.

40 ***Silicon Implants***
Silicon Valley's enthusiasm for higher immigration just does not compute, argues **John O'Sullivan**.

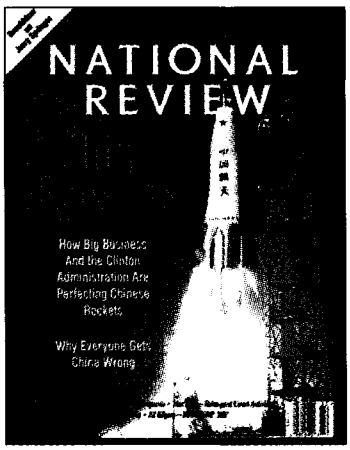
42 ***Revenue Neutral***
Daniel J. Pilla audits the Internal Revenue Restructuring and Reform Act and finds it out of compliance.

BOOKS, ARTS & MANNERS

50 In *Conquests and Cultures: An International History*, Thomas Sowell explains why some nations and cultures advance, while others stay behind—or anyway he thinks he has explained it, says **John Keegan**. . . . Elizabeth Wurtzel's *Bitch* is a book by a girl who's nicer than she wants to be, writes **Florence King**. . . . **James Gardner** finds Robert Stone's spiritual opus, *Damascus Gate*, refreshingly unambitious. . . . **Daniel Troy** opens *Closed Chambers*, by Edward Lazarus, and finds the guilty secrets of the Supreme Court. . . . Thanks to the guys at his gym, **Richard Brookhiser** wasn't surprised to learn the *Jerry Springer* show is rigged. . . . **John Simon** isn't about to go *Wilde* for Stephen Fry. . . . **Ralph de Toledano** rescues Berlioz from his critics, and us from the spell of Wynton Marsalis. . . . Even the snooty French like South African wines, and so does **Linda Bridges**.

SECTIONS

4 ***Letters***
6 ***From the Editor***
9 ***For the Record***
10 ***The Week***
47 ***Letter from Al***
48 help
62 ***On the Right***
64 ***The Misanthrope's Corner***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How Big Business And the Clinton Administration Are Perfecting Chinese Rockets
Why Everyone Gets China Wrong

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LETTERS

Soccer Kicks Back

My friend and colleague Stephen Moore is totally wrong about soccer ["Soccer-Mom Hell," May 4], but he is certainly right about peewee soccer. Having played the game myself at the high-school and college level, I can testify to the physical rigors, excitement, and emphasis on offense of well-played soccer. But coaching a single season of peewee soccer made this Protestant seriously consider the existence of Purgatory. Concerning Steve's various criticisms of soccer, well, gee, which peewee sport is *not* guilty of tedium, lack of strategy, dullness, and parental overenthusiasm?

Further, *all* peewee sports are suffering these days from the influence of Marxism and political correctness. I hear some peewee baseball and football leagues don't keep score any more. And, regarding tedium, when was the last time you saw a well-timed double or triple play in peewee baseball? Or a well-executed screen pass or draw in Pop Warner football?

As to the level of manhood and courage required to play soccer, I challenge Steve to play goalie while I take a dozen penalty shots. If he can stop three of them without breaking or bruising something, he wins.

Tom Giovanetti
President, Institute for Policy Innovation
Lewisville, Tex.

Stephen Moore engages in bureaucratic-think when he extrapolates from his limited experience with soccer to broadside the entire sport. After all, where else but in bureaucracies do people combine narrow horizons with impudence to justify their authority over broader society—in Moore's case, the authority to slide-tackle the world's most popular sport?

To the trained eye, the spare rules of soccer, animated by the efforts of players, create a sort of spontaneous order—something free-market liberals like Moore are supposed to favor. It's no wonder that soccer creates such joy and passion worldwide, especially in countries that lack free and democratic traditions.

If Mr. Moore wants artificially high scores in games with lots of rules and refereeing, there are a number of sports for him. If he enjoys free and fair competition among legal equals, it's soccer.

Jim Harper
Washington, D.C.

I agree with Mr. Moore's conclusions on soccer. My son plays football—a true team sport. Only nine, he is the center, and has been for four years. My wife is a *football* mom. We voted for Bush, then Dole. We would be very happy if our son grew up to be a responsible adult like, say, Kenneth Starr. When I drive past the soccer field, I envision a field of androgynous, mop-headed Clinton-clones, feeling one another's pain, their parents sharing stories of their last NEA convention. I shudder. Ronald Reagan, where are you?

Dennis Martin
Merchantville, N.J.

Mr. Moneybags?

Daniel Oliver's anti-Microsoft arguments ["Necessary Gateskeeping . . . ," May 4] range from the incoherent to the libelous. He writes, "the second copy of a new software program costs virtually nothing to produce—which gives established companies tremendous advantage over their competitors." The premise is very true and exactly why the Information Age will be so exciting, but the conclusion does not follow at all. The low marginal cost of production benefits everybody: those starting in the business as well as those who are already established. Mr. Oliver manages to take one of the strongest arguments that show the inherent competitiveness of the software business and simply assert the contrary without any explanation.

Mr. Oliver continues to "suppose, hypothetically," that Microsoft is secretly sabotaging competitors' products, and that it "might duplicate" the intellectual property belonging to some enterprising "software geek." So what would the courts do in such a case? According to Mr. Oliver, since the plaintiff would be lacking cash, the courts would defer to "monopoly-rich Microsoft." This is an extremely insulting, cynical, and, in the final analysis, naïve fantasy of how business and justice are conducted in our country.

Dr. Charles Simonyi
Chief Architect, Microsoft Corp.
Medina, Wash.

My thesis was that Microsoft has a monopoly, as evidenced by four factors: 1) it has a 90 per cent share of the worldwide PC operating-systems market, 2) which is likely to endure for at least "a while"; 3) Microsoft has engaged in restrictive practices 4) that seem to have no efficiency justifications. Dr. Simonyi makes no attempt to counter—or even deny—either the thesis or the individual points.

Furthermore, I said nothing at all about the courts' deferring to Microsoft. My point was precisely that the courts wouldn't do anything—because a fledgling company wouldn't have the cash to sustain a suit against monopoly-rich Microsoft.

Finally, if Dr. Simonyi thinks a sentence beginning "Suppose, hypothetically . . ." could be libelous, either he was unable to look up the meaning of "hypothetically" in his dictionary program (MS Word?), or his thinly veiled threat of a libel suit suggests I was neither cynical nor naïve in assessing the litigiousness of monopoly-rich Microsoft. —DO

Et Tu, Cato?

It was disappointing to see Robert Levy attempt to elevate class actions to "the irreducible core of our due-process right" ["Pack It In," May 4]. In fact, the class action, though an invention of courts of equity, was quite limited in its scope until the Supreme Court dramatically enlarged its availability through rule changes in 1938 and again in 1966. Predictably, as a result of liberal court interpretations, the class action has played a major role in the increased intrusiveness of litigation in our lives. It is a sad day when the Cato Institute buys into the notion that "due process" prevents Congress from doing something about this.

Richard Adams
Great Falls, Va.

Just like a Woman

Richard Dooling's "The End of Harassment?" [May 4] reminds me of a conversation at the neighborhood coffee klatsch one morning. The discussion centered on an ABC *World News Tonight* segment from the evening before. Peter Jennings had interviewed a lady who claims expertise in harassment law. His question was, "If I were to say, 'That outfit you are wearing is very attractive,' would that be harassment?"

"No," she replied, "but if you were to say, 'It sure does fit well,' now that could be harassment."

Some of the men at the table were the proprietors of bars, hardware stores, real-estate offices. They concluded that—Title VII notwithstanding—they were not about to hire any women. It seems that the ladies are shooting themselves in the foot at an ever-increasing rate.

Robert W. Thompson
Alpena, Mich.

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FIXING HEALTH CARE ISN'T EXACTLY BRAIN SURGERY. (IF ONLY IT WERE THAT EASY.)

About the only aspect of the health care debate any two people might agree on is that the system needs work. We'd like to weigh in with a few ideas of our own since we're actually in the position to do something about it. ▪ First off, the paramount focus of health care must be quality. Which is why we're working to enable a level of health care never available under the old fee-for-service system. ▪ We can't do it alone. So we're joining with academic medicine to make the system better. We've pioneered and allocated $15 million to fund the Academic Medicine and Managed Care Forum. An ongoing gathering of our experts, and those from more than 30 leading universities and teaching hospitals. Including Johns Hopkins, Yale, Emory, Baylor, University of Pennsylvania and Stanford. Together, we're seeking new ways to help get patients the health care they need. ▪ Already, we send timely reminders that encourage members to see their doctors for immunizations to prevent illness and screenings that diagnose disease early enough to do something about it. One result has been a significant reduction in late-stage breast cancer. ▪ To better manage chronic diseases, we've created outreach efforts that have reduced asthma emergencies 60%, promoted eyesight-saving laser therapy for diabetics, and improved the quality of life for people with congestive heart failure. ▪ There's more work to be done. And we'll do more than our share of it. Because no matter how complex, it has never been our policy to turn our back on a problem. Whether it's that of a patient, or of an entire health care system.

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FROM THE EDITOR

Roll Over

NATIONAL REVIEW's Richard Brookhiser once wrote that in their hearts, Republicans know they are wrong.

Again and again, this seems the best explanation for GOP fecklessness—the latest example of which is the ouster of Republican investigator Dave Bossie in the wake of the Webb Hubbell tape fiasco.

Can you imagine Henry Waxman or John Dingell dumping one of his loyal staffers in order to appease Newt Gingrich and Rush Limbaugh?

As readers of *NR*'s daily update on the Internet (www.nationalreview.com) know, it wasn't even Bossie who made the decision to edit the tapes—a ham-handed maneuver but hardly a miscarriage of justice.

Commentators talk of "exculpatory" statements on the tapes. But Webster Hubbell's pronouncing Hillary Clinton innocent of any and all wrong-doing in conversations that he knew were being recorded is about as exculpatory as his own not-guilty pleas.

What *is* remarkable, of course, is that Hubbell would talk of "roll[ing] over one more time" and that his wife would complain of being "squeez[ed]" by the White House.

Even so, when the going got tough, Oversight Committee Chairman Dan Burton and the House leadership decided it was time for somebody to resign, and Dave Bossie was there.

Bossie's unforgivable sin was that he had been there so long for Al Hunt and others to malign. Former New York *Daily News* reporter Thomas Galvin writes in this issue (p. 24) that reporters who closely observed Bossie knew him to be tough, yes, but also honest.

Now that Democrats have forced him out, they will attempt to shut down altogether Burton's sputtering probe (Waxman's goal all along), and then work to scuttle any move toward impeachment hearings.

Doable, since Hubbell isn't the only one in Washington practiced in rolling over.

■ The conceit of GOP invincibility in the November elections is finally being challenged.

Party officials are talking of at best a one-to-two-seat gain in the House this year. And, privately, Republicans are beginning to face up to the possibility of losing their majority (corporate PACs are hedging their bets, many of them giving more to Democrats than to Republicans).

The political director of the Democratic Leadership Council, Ed Kilgore, explains in this issue (p. 34) why Dick Gephardt could be Speaker next year. Kilgore grew up on *NR*—before straying into the Democratic camp—and his article is the roundabout fulfillment of youthful ambitions to appear in our pages.

His article should add to the sense of urgency that Republicans are feeling about exciting their base in November. In politics, there is no substitute for running scared, and, if nothing else, Republicans have plenty of reason to be frightened.

■ As does anyone who has been following Bill Gertz's recent reporting on U.S. technology transfers to China in the *Washington Times*.

Gertz details in our cover story (p. 43) the help U.S. corporations and the Clinton Administration have given to Chinese rocketry in recent years. According to Rep. Dana Rohrabacher (R., Calif.), Americans have managed to "perfect" one heretofore unreliable Chinese missile.

We all know the Clinton Administration opposes missile defense in the U.S., but this is going too far.

Given the flood of mail we received on the recent cover line "Lock and Load," we here stipulate to munitions experts that we *know* it is not a real Chinese rocket on the cover.

Instead, it is a doctored picture of the Atlas booster that sent John Glenn into space—the first time. (However, the Chinese letters are real and do not say, as one wag in the office suggested, "No menus.")

—RICHARD LOWRY

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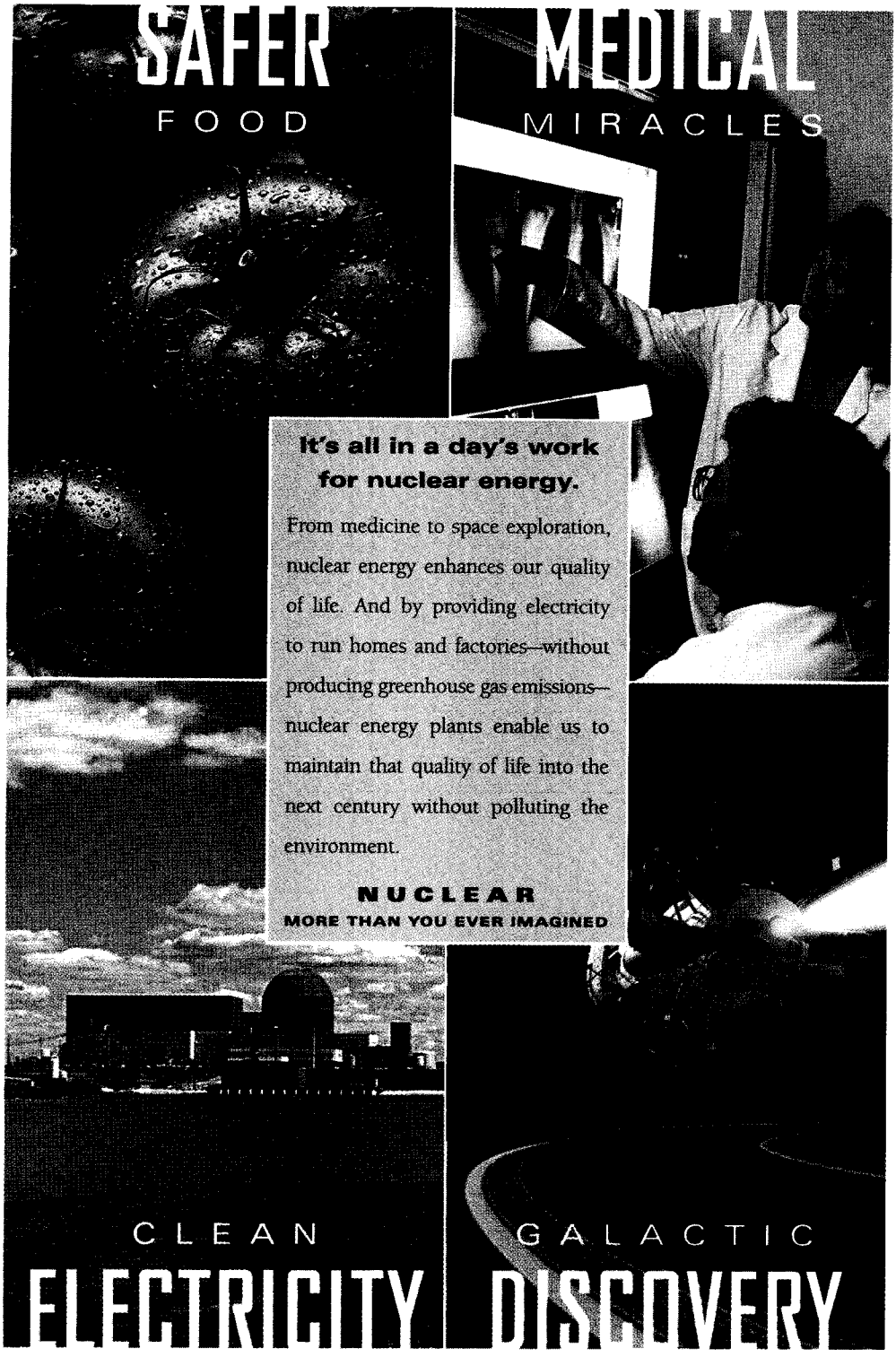
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FOR THE RECORD

■ Sen. **John Ashcroft** (R., Mo.) compares **George Washington** and **Bill Clinton**: "We've gone from 'I cannot tell a lie' to 'I'm going to take the Fifth.'" . . . **Steve Forbes**, at Center for National Policy in New York City, points out that U.S. is spending 'a wee bit more' than 3 per cent of GDP on defense (lowest percentage since Thirties), accuses Clinton Administration of "systematically stripping away America's military might." . . . **Pat Buchanan** speaks to Detroit Economic Club, calls **Karl Marx** "an insightful fellow" who predicted free trade "would tear societies apart." . . . **Jack Kemp** urges Congress to cut taxes $1 trillion over five years. . . . Gov. **George W. Bush** (R., Tex.) registers Bush2000.com website. Aide says, "It means nothing." . . . Former Gov. **William Weld** (R., Mass.) writes novel to be published in September. Tale's hero is Democrat. . . . Clinton uses Mother's Day radio address to plug child-care initiative. . . . Year 2000 problem poses special risks for **Al Gore**, who devoted none of Reinventing Government resources to solving it. If Year 2000 keeps Social Security recipients in New Hampshire from getting January 2000 checks, Gore's primary season could be short.

■ **Newt Gingrich** and National Republican Congressional Committee swing into action to defend 12-term Rep. **Bill Goodling** (R., Pa.) from conservative challenger **Charlie Gerow**—even though district is safely Republican. . . . New Rep. **Mary Bono** (R., Calif.) on politics and motherhood: "My effectiveness as a human being will be a lot greater as a member of Congress than carpooling." . . . Gov. **Mike Huckabee** (R., Ark.): "To me, environmentalists are those who worship the things that He made rather than [Him] who made them." Later apologizes for remarks.

■ **Kellyanne Fitzpatrick**'s The Polling Company finds that in Pennsylvania liberals, Democrats, and urbanites are more likely to support school choice than conservatives, Republicans, and country dwellers. . . . Massachusetts group seeking to put anti-tax measure on ballot collects nearly 65,000 signatures, falls short by 26. . . . Blue Cross/Blue Shield of Minnesota settles with tobacco companies for $6.6 billion. . . . Florida legislators approve "Choose Life" specialty license plate. National Abortion and Reproductive Rights Action League says plate "stigmatize[s] and erode[s] a woman's right to choose," apparently failing to note first word in two-word slogan. . . . Indiana is fattest state, with 38.8 per cent of residents overweight, according to Centers for Disease Control and Prevention.

■ *Time* allows Earthjustice Legal Defense Fund to run free full-page color ad. Ad features basketball star **Lisa Leslie** wearing Los Angeles Sparks uniform and holding ball with WNBA (Women's National Basketball Association) logo—corporate images that usually have to pay to advertise. Ad copy: "Recently, the Legal Defense Fund pushed for regulations to protect the millions of children who suffer from breathing polluted air. In response, powerful industry groups got together to fight these new standards, turning their backs on public health." WNBA denies ad is political, *Time* refuses to comment. **Dianne Stern**, wife of NBA Commissioner **David Stern**, is Earthjustice trustee.

■ **Al Haig** plans commercial venture to place 11-ton zeppelins packed with telecommunications equipment over world's major cities. . . . *The Nation* equates philanthropists providing private-school scholarships with "a crack dealer offering kids on the playground free samples." . . . **Becket** Fund for Religious Liberty launches legal challenge to so-called **Blaine** Amendments to state constitutions, which ban public support of parochial schools. Laws were originally sponsored in nineteenth century by anti-Catholic Know-Nothing movement. . . . Center for Equal Opportunity and Pacific Legal Foundation are suing schools in Oakland, Calif., for placing **Travell DeShawn Louie**, a five-year-old black kindergartner who speaks only English, in Cantonese bilingual education class and refusing to remove him after father complains. . . . In response to White House initiative on race, **Ward Connerly** forms "Citizens' Initiative on Race"; panel includes **Abigail Thernstrom**, **Barbara Ledeen**, **Shelby Steele**, **Robert Woodson**.

■ **Fidel Castro**, in Associated Press report: President Clinton "has been harassed" by scandal allegations and "has defended himself with dignity." . . . **Michael Jackson** scheduled to perform at charity concert for starving North Koreans. . . . In addition to work on nuclear missiles, China plans to launch its first manned spacecraft in next few years. . . . Moscow starts payments to at least 15 families injured in 1957 incident at nuclear-weapons plant at Chelyabinsk, considered worse than Chernobyl disaster but kept secret for more than thirty years. . . . **Rupert Murdoch** paid 7.9 per cent tax rate on $1.3 billion in profits, according to London *Independent*, compared to normal top rate of 40 per cent . . . Albania was never like this in **Enver Hoxha**'s time: Carjackers steal prime minister's limousine in downtown Tirana.

■ U.S. and Mexico jointly issue stamp for Cinco de Mayo, anniversary of Mexico's 1862 defeat of French invaders. . . . Newt Gingrich's Spanish-language news release on holiday contained several errors, including assertion that victory resulted in "the right of the people to personality determination," instead of self-determination.

■ Los Angeles ranks 48th among 50 largest cities in charitable giving, reports *Chronicle of Philanthropy*. Local United Way responds by playing to town's sense of shame. Billboards read: "You're an actor. Act like you care." Donations rise by 10 per cent.

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THE WEEK

■ Bob Dole participated in Viagra trials—two years too late.

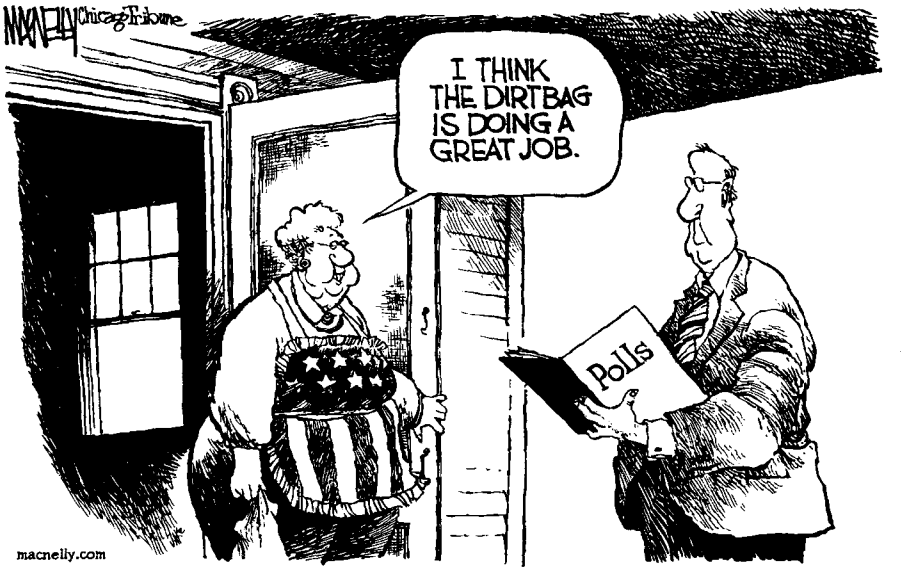
■ After months in limbo, Labor Secretary Alexis Herman is *finally*, thanks to Attorney General Reno, an official member of the Clinton Cabinet.

■ Most congressional Republicans are delighted to sit back and watch the budget surplus float higher and higher. But House Budget Committee Chairman John Kasich and the forty members of the Conservative Action Team want their party to do more than look fat and happy. Kasich is trying to sell a budget that includes relief from the marriage tax penalty, indexing for capital gains, and Education Savings Accounts. Kasich would also dismantle the Departments of Commerce and Energy, privatize public broadcasting, and phase out funding for the National Endowment for the Arts. This may sound suspiciously like an agenda—but don't worry. The Appropriations Committee, most notably Chairman Bob Livingston, is providing stiff resistance, and Speaker Newt Gingrich is cool to the plan. Kasich's critics warn of a replay of the disastrous confrontations with President Clinton in 1995–96. But this time there are no Medicare fights or government shutdowns in the offing, and the President is distracted by the need to keep inventing new kinds of executive privilege. Two years ago, GOP advocates of smaller government looked reckless; now, in expecting their colleagues to do more than enjoy the advantages of incumbency, they just look naïve.

■ Republican leaders had hoped Transportation Committee Chairman Bud Shuster's $214-billion pork-barrel highway bill would be good "tax, spend, and elect" politics. Instead, it signifies to voters a return to the kind of uncontrolled spending that got Democrats run out of town in 1994. (Not that the current congressional Democrats are any better: they voted for the bill nearly unanimously.) Now President Clinton is threatening a veto, and free-market groups ranging from Citizens for a Sound Economy to the Heritage Foundation to the National Taxpayers Union are urging him on. There is still a way the Republicans can keep him from hijacking the fiscal-responsibility issue: they can start all over, writing a bill that cuts federal gas taxes and lets the states build the roads they need. If the Republicans refuse—go to it, Mr. President.

■ Meanwhile, on the racial-preference front, California Republicans Frank Riggs and Tom Campbell recently offered in the House amendments that would have prohibited universities from lowering admission standards for black and Hispanic applicants. Their amendments lost, but even in defeat, Reps. Riggs and Campbell accomplished one of their main goals: forcing their House colleagues to vote on the record—including J. C. Watts (R., Okla.), who says that he opposes preferences in principle but fears alienating black voters. Rep. Watts has repeatedly opposed the repeal of preferences, and he campaigned vigorously against these amendments. Watts even co-signed a Dear Colleague letter with liberal Rep. John Lewis (D., Ga.): "We don't always agree, but on this issue we speak with one voice." As a quarterback at the University of Oklahoma, Watts ran an options offense. On the subject of preferences, he kept his options open—and at last tossed the ball to the defense.

■ The proposed Worldcom–MCI merger has created an unholy alliance in opposition. GTE, the European Union (primarily, in this case, France), Jesse Jackson, Ralph Nader, John Sweeney, and the Communications Workers of America all want the Justice Department to block the deal. They claim to speak for consumers, but they each have less lofty interests of their own. GTE is next in line as a suitor to MCI if the Worldcom merger fails, France resents the fact that America has overtaken it in on-line communications, and the American Left fears the creation of a non-unionized giant. (A merged MCI–GTE would unionize.) Whatever the merits of antitrust law, its use to politicize business decisions is clearly an abuse—and one that raises the possibility that left-wing groups will in the future be able to collect bribes or protection money from affected businesses. Jesse Jackson's recent shakedown of Wall Street is a portent in this regard. With funding from the Federal Government and coerced union dues both in danger of drying up, intimidating corporate America may become the Left's next alternative to making an honest buck.



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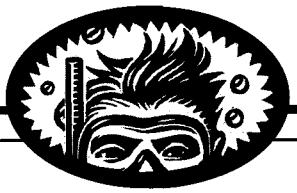

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■ NOTE TO LIBRARIANS AND OTHER TIME-CONSCIOUS READERS: Taking our usual summer break a little early, we shall be putting out the next issue of *NR* (dated June 22) three weeks after this issue, rather than the normal two. We then resume our fortnightly schedule with the July 6 issue.

CORRECTION: Last issue, we misstated ("The Week") the amount of election-year pork vetoed by New York governor George Pataki. The correct figure is $150 million.

■ To settle a lawsuit brought by the state of Minnesota—one of 38 seeking compensation for the cost of treating smoking-related illness under Medicaid—cigarette manufacturers have agreed to $6.6 billion in payments, plus restrictions on advertising and promotion. They didn't have much of a choice. In his instructions to the jury, Judge Kenneth J. Fitzpatrick said the state did not have to show that the medical expenses it was blaming on the industry were actually caused by smoking. (A statistician had testified that the state's $1.8-billion damage estimate included costs for treating hemorrhoids, schizophrenia, bone fractures, and other conditions not commonly associated with tobacco use.) The judge even said it did not matter that people knew about tobacco's hazards when they chose to smoke. The only question left to resolve, it seemed, was how big the punitive damages should be. But, in the end, the jurors did not get to decide even the punishment—a typical feature of show trials.

■ On May 6, Interior Secretary Bruce Babbitt announced that 29 plant and animal species would be taken off the endangered list. "We can now finally prove one thing conclusively," Babbitt proclaimed: "the Endangered Species Act works. Period." Really? An analysis by the Competitive Enterprise Institute found that 5 species had become extinct since being listed and that 12 were never endangered in the first place. Not one species has been saved by federal land-use controls on private land under the Endangered Species Act. If this is an environmental law that "works," what would count as failure?

■ For the first time, Congress may order a halt to a social experiment the Clinton Administration has foisted on the military. The catalyst was last year's commission headed by former senator Nancy Kassebaum Baker, which found that co-ed basic training distracts recruits and weakens discipline. Following the commission's unanimous recommendation, the House National Security Committee has just voted 30 to 23 to require separate units and barracks in basic training. Though a few female congressmen—Reps. Tillie Fowler (R., Fla.), Kay Granger (R., Tex.), and Jane Harman (D., Calif.)—tried to preserve sexually integrated basic training, five Democrats and most Republicans stood firm. However, Mrs. Baker's former Senate colleagues are exhibiting less common sense. Thanks to Sens. Dirk Kempthorne (R., Idaho) and Olympia Snowe (R., Me.), the Senate version of the defense bill prohibits the Secretary of Defense from segregating the sexes during training. After all, why should the Commander-in-Chief be the only one driven to distraction?

■ Meanwhile, the wonders of social progress are on display at the U.S. Military Academy at West Point. A *Wall Street Journal* exposé in 1996 told of instructors driving out a much-decorated colonel who had dared to remind them that they were military officers first, Nineties-style academics second. Last year the academy outraged alumni by supplementing the honor-code officer with a "consideration for others" officer. Now, the academy has decided to let graduate a cadet who got another cadet pregnant, married her, and then had the marriage annulled. Academy officials say that this last maneuver left them with no legal option but to let the sharp young man graduate. His pregnant non-wife can graduate herself if she dumps the baby on her parents. The important thing is that the academy didn't let anything like the honor code or good old-fashioned officership get in the way of a cadet's free education.

■ Republican strategists had figured that Ohio Gov. George Voinovich was a sure thing in his Senate race this fall. The only question was whether he would be the party's vice-presidential candidate in 2000. Not any more. Primary voters clipped his wings by giving 28 per cent of their votes to a conservative high-school teacher who had not spent even $1,000 on the race. Even more damaging, 80 per cent of them voted against his proposed $1.1-billion sales-tax hike, his response to a court-ordered effort to equalize school funding. By opposing the initiative, Democratic candidate Mary Boyle has positioned herself to Voinovich's right on taxes. His current troubles confirm that a big-government record will eventually come back to haunt even the most popular Republican politician. If the next GOP presidential nominee wants a pro-life conservative from Ohio as his running-mate, the name is spelled K-A-S-I-C-H.

Always, the French

France lusted for the central bank;
The Germans backed the Dutch.
In Brussels, deals began to tank
When Chirac slipped the clutch.
The slide left Helmut looking white.
He stroked the French throughout the night.
The frogs, who never act contrite,
Spat nails but stayed in touch.

—W. H. VON DREELE

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■ The Senate voted 80 to 19 to include Hungary, Poland, and the Czech Republic in NATO. This despite a grassroots campaign against NATO expansion—uniting Phyllis Schlafly on the Right and Ben Cohen (of Ben & Jerry's) on the Left—and strong opposition among the foreign-policy elite. The outcome fits the pattern of this decade of supposedly rising isolationism. With the exception of "fast-track" legislation, every fight on trade—whether over NAFTA, GATT, or trade with China—has seen the free-traders prevail, and by a larger margin than expected. Isolationism is a toothless tiger.

■ The NATO vote was a victory for, among others, the New Atlantic Initiative, which began its third Congress in Istanbul a day later. This is the group set up three years ago by leading conservatives—prominently including *NR*'s John O'Sullivan—to celebrate U.S.–European solidarity and to embrace the Central European democracies in the Atlantic family. This year's meeting was notable for including American Democrats as well as Republicans, British Labourites as well as Tories, German Social Democrats as well as Christian Democrats. Congratulatory messages came from Madeleine Albright, Newt Gingrich, Tony Blair, Lady Thatcher, and Henry Kissinger. They are well deserved.

■ India conducted three underground nuclear tests on May 11, catching the U.S. by surprise, and conducted two more tests two days later. India's new Hindu nationalist government was apparently not satisfied with the previous arms balance with Pakistan: both had been developing capabilities but had stopped just short of exploding a weapon. Now, the region is destabilized; Pakistan (with Chinese support) will surely respond in some way. India has also deeply offended its supporters in America, liberals who love India but who love nonproliferation more. President Clinton swiftly imposed sanctions, as U.S. law requires. (In the past, India was often spared, while our ally Pakistan got the stick.) The Senate should also take note: The U.S. intelligence failure is another black mark against the verification procedures of the Comprehensive Nuclear Test Ban Treaty.

■ Warren Beatty's *Bulworth* is the talk of the talking class. Sen. Bulworth (Beatty) goes nuts and begins telling the truth about . . . campaign-finance reform. (Next: a Joan of Arc–like figure hears voices about the tobacco bill.) Along with the liberal messages, there is some real humor. But most interesting is the mode of the hero's regeneration: he hangs out in the 'hood, and starts rapping. This is that old American favorite, the Numinous Negro, the black as vessel of moral authority. (Cf. John Brown; Norman Mailer; any TV show.) It is a trope almost as old as its twin, the crackpot racism that goes back to Jefferson's *Notes on Virginia*. How about if white Americans just dealt with black Americans (when appropriate) and left them alone (also when appropriate)? Admittedly, it doesn't make for much of a Hollywood treatment.

Manners and Morals

Grandpa's on Viagra;
Where will it all end?
Mother says the maids don't
Dare make beds or bend.
Junior thinks it's funny.
Sister's on The Pill.
Grandpa keeps repeating,
"Over what damn hill?"

—W. H. VON DREELE

■ Eldridge Cleaver, ex–Black Panther and author of *Soul on Ice*, went through many permutations, including one that escaped most obituarists. When he wrote an article for *NR* in the early eighties, Managing Editor Priscilla Buckley asked him where she should mail his contributor's copy. He gave an address, then said, "Of course, I get my subscription copy." His conversion from radical thuggery was, alas, neither stable nor consistent. In addition to Christianity and the GOP, he also signed on with the Unification Church and a codpiece business, and there was a drug arrest in his last years. The icy soul never quite seemed to thaw. Dead, at 62.

■ The director of the "Black Recruitment and Retention Center" of the University of California at Berkeley said that she could no longer in good conscience encourage blacks to matriculate there. "We told them it's a very hostile environment and that we're not welcome here . . ." She blames Proposition 209, which the Berkeley administration and faculty overwhelmingly opposed. They want the old system of racial preferences back, and to get it some of them are working hard to generate bad PR for colorblindness. Even if it means creating a hostile environment of their own.

■ In the May/June issue of *Ms.* magazine, the editors try "to counter the myth of feminist silence [about President Clinton] by soliciting the opinions of a diverse group of feminists." Among the offerings: Anita Perez Ferguson, president of the National Women's Political Caucus, explains that "we must not anoint ourselves judge in the court of public opinion." Susan Faludi is troubled by "the media's 'Peeping Tom' role" in the sex scandals. Patricia Williams, columnist for *The Nation*, explains that she "wouldn't touch [Kathleen Willey's accusation] with a ten-foot pole. . . . that feels very hard to comment on." As for Monica Lewinsky, Susan Brownmiller, author of *Against Our Will: Men, Women, and Rape*, observes: "She didn't go to the White House to be a senator. She just wanted to be close to the President. She knew exactly what she was doing—she was no poor intern." There's

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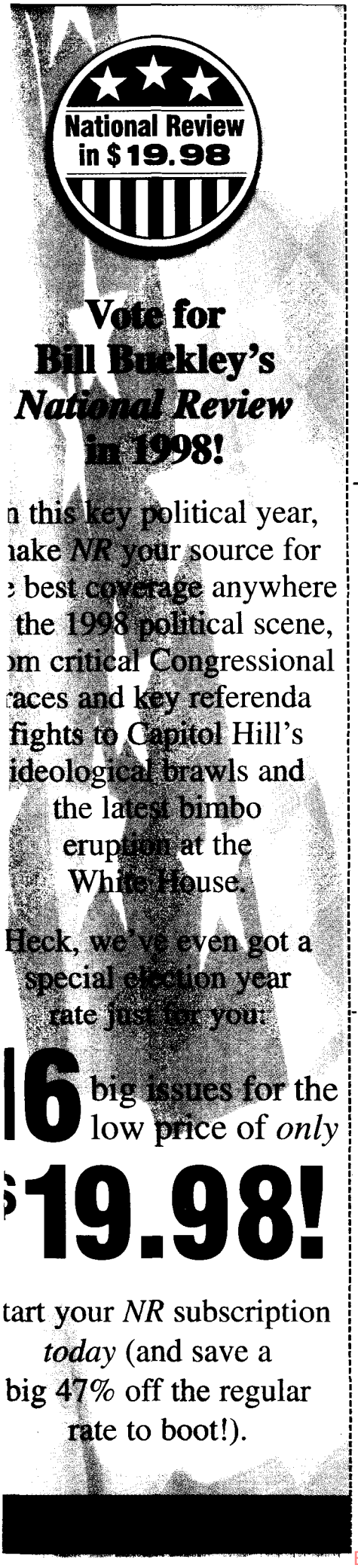

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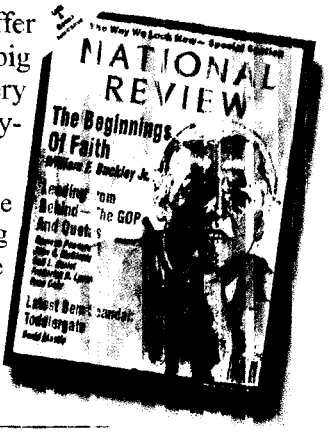

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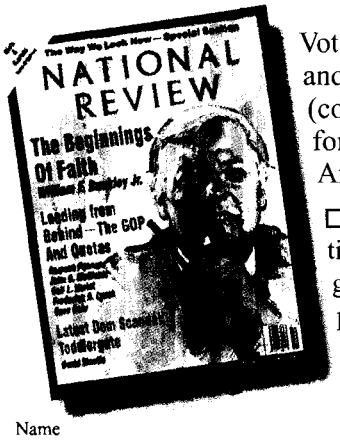

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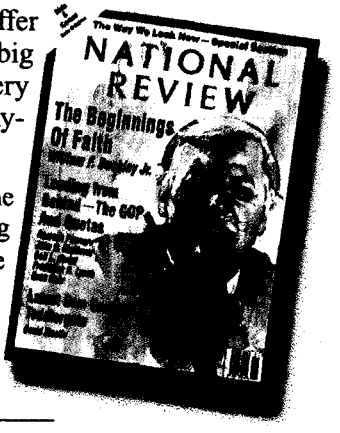

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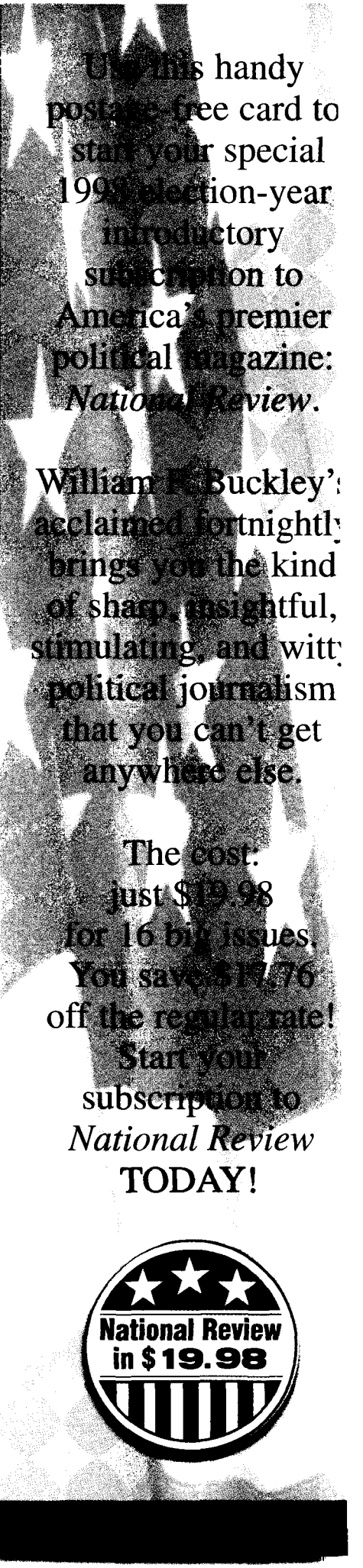
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only one thing worse than feminist silence: feminist speech.

■ The BBC reports that oceanographer and environmental saint Jacques Cousteau engaged in animal cruelty and fakery when shooting his famous "undersea world" documentaries. *Sacré bleu!* To get footage of an octopus jumping out of a tank and throwing itself off the deck of the *Calypso*, Cousteau's crew poured bleach into the tank. *Zut alors!* Another film, about the crew's training of a pair of sea lions, showed nothing about the first pair who were seized—and who died because they were "kept . . . out of the sea too long to make the film." *Mon dieu!* A diver faked the bends for Cousteau's Oscar-winning 1957 *The Silent World*. The Cousteau Society has responded to the flap by declaring that the late founder's aims were "totally pure." Sounds fishy, *n'est-ce pas*?

■ Terrence McNally's latest play, *Corpus Christi*, due to open in the fall, presents Jesus (called "Joshua" in the script) bedding his apostles. We can see it all now: Christian protests, brave artists, yak yak yak. But don't forget, guys: Moslems also honor Jesus as a prophet, and have fewer inhibitions about direct action. Better not send the touring company to Cairo.

■ "Gingrich Plans to Drug Test His Own Staff," *Roll Call* reports. About time.

Suspicious Character

PRESIDENT Clinton has found yet another identity. "All these people," he told a press conference, ". . . can affect my reputation. They can do nothing, for good or ill, to affect my character." What is this but the dying Cyrano, telling Roxanne that he will come before God with the plume of his honor intact?

This would be low comedy at any time, but given the events of the last two weeks, it was positively surreal. As usual with the Clinton scandals, there were half a dozen threads. But they seemed to be winding once more around the President.

1. Begin with the White House's great victory—the embarrassment of Rep. Dan Burton. Burton released highlights of Webb Hubbell's prison conversations that were damaging indeed ("I need to roll over one more time" for Mrs. Clinton, quoth Hubbell). But Democrats charged that the excerpts were spliced to leave out Hubbell's supportive comments about the Clintons, and that Burton is too partisan to lead any investigation.

This was spurious outrage. Hubbell knew his conversations were recorded, so naturally he covered himself; besides, reporters had access to the unedited tapes before the story broke. The Democrats on Burton's committee wanted a distraction, because they have been voting *en bloc* to withhold immunity from witnesses to campaign-finance crimes whom Burton wishes to call. Burton gets information out; the Democrats want a blackout.

2. The Burton squall occurred in the midst of a larger weather pattern—Newt moving onto the attack. Showing some of the spunk that brought down Speaker Jim Wright, Mr. Gingrich has been insisting that the investigations of the Clinton Administration are about "crimes," not "scandals." When he delivered the message before the New Hampshire state legislature, the Democrats trooped out in a huff. Keep on walking.

3. The Little Rock grand jury closed up shop without handing down any new indictments (e.g., of Mrs. Clinton). Its failure to do so was explained by Susan McDougal's farewell performance. This sturdy Clintonite informed prosecutors and grand jurors that she was under no obligation to answer their questions, since Ken Starr was partisan. The White House stonewalls more elegantly, by filing bogus claims of executive privilege which take months to be litigated. But the strategy is the same.

4. Back to Hubbell. The former number-three man at the Justice Department and his wife were indicted by Ken Starr for income-tax evasion. What income? The $700,000 Hubbell got from assorted Clinton cronies—including Asian fund-raiser John Huang, and Revlon, courtesy of Vernon Jordan. Hubbell is the point of convergence—Whitewater; Chinese and Indonesian cash; Jordan the Fixer, warming up for Monica Lewinsky.

5. Speaking of Miss Lewinsky, the courts ruled that she had no pre-existing deal with Ken Starr, and hence was vulnerable to a perjury charge. They also ruled that Sidney Blumenthal and Bruce Lindsey could not use executive privilege as a shield for Lewinsky discussions they might have had with the President. They should cheer up—maybe there is a Bimbo Eruption privilege. Certainly this Administration would claim it.

6. By the way . . . Charles LaBella, the San Diego lawman brought in by Janet Reno to advise whether an independent counsel should be called to look into the campaign-finance mess, thinks one should. And the U.S. Attorney in New York is looking at a million-dollar campaign-money swap among the Teamsters, the Clinton–Gore campaign, and the DNC.

These possible crimes—plus the alleged undermining of national security in exchange for campaign cash (see p. 43)—do not mean that President Clinton will leave office before January 2001. They do mean that Mr. Clinton should hope that he will be remembered for the Intern scandal—and not something worse.

Bashing Bibi

THE current brawl between the U.S. and Israel has its roots in the inability of the Clinton Administration to come to terms with the Israeli public's decision two years ago to elect a Likud government. Nothing else can explain the American stubbornness in

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pressuring Israel to make unwise concessions, and its refusal to consider Prime Minister Benjamin Netanyahu's proposed alternative.

The 1993 Oslo accords' schedule of incremental Israeli "redeployments" was designed by a Labor government as a way to sneak up to a final territorial partition. For a Labor government, this was politically the easiest way to proceed. But a Likud government follows a different political logic. It traditionally dislikes territorial withdrawals; therefore, a series of incremental territorial moves is the hardest route for a Likud cabinet to take.

Netanyahu has been telling us for a year and a half that he is ready to make major concessions in a negotiation on the ultimate, "final status" issues. The national debate going on in Israel, indeed, is that of a country preparing itself psychologically for a climactic negotiation. Netanyahu has also told visitors he is even prepared to form a broad, national-unity coalition when the crunch comes.

Instead of seizing this opening, the U.S. has insisted that Netanyahu behave like a Labor prime minister. The Administration demands a 13 per cent increment of withdrawal—a number pulled out of thin air, since Oslo permits Israel alone to determine the scale of its redeployments. While Israel is pushed into concessions going beyond Oslo, Yasir Arafat's Palestinians are indulged on violations of their explicit Oslo commitments, such as drafting a new PLO Charter and reining in violence.

Yet the Administration, frustrated, thinks pressuring Israel harder is the only way forward. Much of the world (and media) joins in. Mrs. Clinton chimes in with a comment—probably reflecting her husband's policy—that the Palestinians should have an independent state. They may well end up with one, but Israel ought to get something in return—such as guarantees of demilitarization. The Administration thus undermines the Israeli position and the balance of the negotiation itself.

It is, to put it charitably, the most incompetent diplomatic performance by a U.S. government in decades.

Euro Trash

EUROPE's proposed new currency, the Euro, passed another stage in its prolonged birth-pangs in early May with the announcement of the new head of the European Central Bank. It is being born not with a bang but with a whimper.

Under the Maastricht Treaty, the ECB is headed by an independent central banker, beholden to no national government, who serves for eight years. Since any inflationary errors in monetary policy would become manifest well within that time, this term of office is a real incentive to monetary prudence. The Netherlands' Wim Duisenberg, a formerly free-spending socialist who got the monetarist religion a decade ago, was the candidate favored by everyone but the French. The Germans in particular wanted to ensure that the Euro would have the same strength and stability as their own adored Mark. Mr. Duisenberg was thought to be a shoe-in.

But the French forced a compromise: Mr. Duisenberg will serve for a few years and then hand over his job to French central banker Jacques Trichet. This deal met with horrified jeers everywhere but France. Not all the derision is justified. The banking technocrats are in danger of making a fetish of the ECB's independence.

Unlike our Federal Reserve Board, whose chairman must negotiate with the Administration and testify before Congress, Mr. Duisenberg boasts that he will ignore national governments, testify only to the feeble European "Parliament," and wait 16 years before revealing the ECB's internal discussions on interest rates, etc. Independence from day-to-day political control is one thing; complete immunity from democratic accountability is quite another—and one that would simply not survive either hyperinflation or a prolonged recession.

Nevertheless, the deal gave the markets jitters. They wanted a demonstration of the Bank's independence as a proxy for the Euro's status as a strong, stable currency. They got an apparent demonstration that France and Germany are at odds over monetary policy and that the French preference for growth (and inflation?) will still be pressed on the ECB after the Euro is a going concern.

These fears will almost certainly persuade Duisenberg, Trichet, and their colleagues to err on the side of anti-inflationary caution. The Euro is therefore likely to begin life as a strong currency. The risks are in the long term. Countries like Spain, Portugal, Italy, and until recently France have long relied on inflationary policies to provide a short-term boost for highly regulated economies. Optimists believe that membership in the Euro zone will force these countries to make massive structural adjustments. That is like joining the army to be sure of getting up early—it may work, but it will hurt.

Furthermore, the people of these countries see the Euro as a substitute for such adjustments. When the Euro fails to deliver, the ECB will face pressure to run a more accommodating monetary policy. And that will be the Euro's acid test.

Don Juan on the Skids

Webb Hubbell, who feels up a cookie jar,
Rolls over, also, when the cash is right,
While "privilege," anathema to Ken Starr,
Goes glimmering as Blumenthal turns white;
With Monica jay-naked at the bar,
The play becomes a tad less recondite.
As for the secondary actors, many
Look greener than the Injun on the penny.

—W. H. von Dreele

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Newt, Some Years Later

He used to travel with a bag
That fit beneath the seat;
He never sweated carrousels
When racing for the street.
Today he's got a baggage train
Recalling Caesar's that
Attracts more than unpleasant Gauls
When Newt stemwinds his hat.

—W. H. VON DREELE

Most people do not care about that, any more than they care about the fate of sperm or eggs. But embryos are not sperm or eggs. Each of these five embryos contains a complete genetic template, never before seen in the history of the world, for a member of the species *Homo sapiens*. Each is a distinct organism that under the proper circumstances can direct its own development from embryo to fetus to newborn, all the way to adult. More concretely, the mother and father in this case—and biologically, that is what they already are—were once embryos. So were the judges, and so were you. None of us were ever sperm or eggs, which are part of someone else.

These embryos, then, are human lives, and not to be regarded primarily as things to be "used" for any purpose, however noble, such as a woman's self-fulfillment or a scientist's search for knowledge. And contractual rights to other human beings' lives have not been recognized since the Thirteenth Amendment. Points to remember as we debate human cloning, which raises similar issues. Technological advance can pave the way for moral retreat.

Wilde Mania

OSCAR Wilde hasn't done this well since *The Importance of Being Earnest* had its West End premiere. He is the subject of a movie, *Wilde*, and two plays, *The Judas Kiss* and *Gross Indecency*. Wilde's vogue is twofold, as both a genius and a martyr. Shakespeare, ensconced in his Stratford retirement, seems gross by comparison.

The Wilde boom had a long preparation, beginning with Richard Ellmann's biography. The sometimes sensible Camille Paglia gave him two whole chapters in *Sexual Personae*. But the main engine of his triumph is sexual. Wilde is a mascot and icon of homosexuality, the Toni Morrison of Planet Gay.

Yet Wilde is a tricky figure for the current gay movement. Those who wish to depict homosexuality as "natural" must grapple with the fact that Wilde gloried in war-

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ring with nature. Wilde had white carnations dyed green. Barnstorming America, he remarked that Niagara Falls would be more impressive if it flowed upwards. Only a man with a heart of stone could fail to laugh at the death of Little Nell. And so on.

On the other hand, Wilde's inversions took place in a context of bourgeois celebrity. He was not some transgressive boho, but a literary lion (better, a literary poodle). ACT UP, Allen Ginsberg, and all the other boorish gay blasphemers would have struck him as intolerably sweaty. His trial and imprisonment were personal miscalculations growing out of his own pride and, as Adam Gopnik points out in *The New Yorker*, family history (Wilde's father had lost a libel suit based on sexual misbehavior).

Wilde belonged to a glittering generation of Edwardians—Shaw, Chesterton, Belloc, Max Beerbohm. Always clever, sometimes interesting, they lacked the literary force of the greatest of their romantic and Victorian predecessors, and their modernist successors. Wilde's one masterpiece, *The Importance of Being Earnest*, is a perfect bauble. It will last as long as there are idle young men and dragonish old ladies. But hold the laurel wreaths—a sprig will do.

NOTES & ASIDES

■ Memo to: Our Readers
From: WFB

This is the tenth anniversary of our request to those of our readers who were willing to help *NR* out to take advantage of the *NR* credit card. What's most important to convey: It costs you nothing, nada. But a small percentage of the cost of your purchases goes to *NR*. In ten years this has amounted to a life-giving transfusion. So this request is directed to those who have such credit cards—kindly keep using them. And to those who don't—if you are so disposed, would you kindly sign on? I repeat, no cost, present or prospective. This is done by calling 800-523-7666 (code: HZH8); or by calling our publisher, Ed Capano, or associate publisher, Jack Fowler, who will happily give you the information on what to do—a couple of minutes of your time.

■ To the Editor
The *New York Times*

Dear Sir/Madam:

Your story (April 18, bylined Patricia Cohen) is headed, "Leftist Scholars Look Right at Last, and Find a History." It devotes 1,827 words to the postwar American rightist movement and wonders that so little attention has been paid to it. What is remarkable is the author's own feat in surveying the question and the period without a single mention of the principal organ of the conservative movement during that period. Everyone and everything mentioned—Richard Weaver, Russell Kirk, John A. Andrew, Mary Brennan, Lee Edwards, the Young Americans for Freedom—had intimate, even institutional ties to NATIONAL REVIEW. The speaker at *NR*'s 30th Anniversary celebration in 1985 was a charter subscriber. President Reagan put it this way: "Ask any of the young leaders in the media, academia, or government here tonight to name the principal intellectual influence in their formative years, on this point I can assure you: NATIONAL REVIEW is to the offices of the West Wing of the White House what *People* magazine is to your dentist's waiting room." You might as well have published a survey of the constitutional movement two hundred years ago without mentioning the *Federalist Papers*. Are the instructions to the computer, "Delete nationalreview*.*"?

Yours faithfully, Wm. F. Buckley Jr.

■ A note to all fans of Erik von Kuehnelt-Leddihn:

Dr. Leddihn, a founding contributor to NATIONAL REVIEW, will travel once again to the United States next fall, arriving on October 10 and departing on November 22. He is a renowned lecturer whose encyclopedic knowledge is yours for the asking. He will address your meeting in whatever language you designate and he will address (and solve) any problem you bring to his attention. He is currently at work "on a book defining 333 commonly held religious, political, historical, and sociological errors." Inquiries should be addressed to: Dr. Erik von Kuehnelt-Leddihn, A-6072 Lans, Tyrol, Austria.

■ Dear Bill,

I was dumbfounded by the words "Lock and Load" just below Mr. Buchanan's chin on *NR*'s April 20 cover. As an "old" Army man, just as I am an "old" Navy man: Who reversed the two words?

I don't know about the Army, but if we had followed this in the U.S.N., we would have been literally locked out.

How about a riddle, the answer to which is not the obvious? A man stands up but a woman sits down. All dogs lift their paws but never their hind legs. They are all doing the same thing, kind sir, but what is it?

Cordially, always,
Bob [Robertson G. Morrow]
Memphis, Tenn.

Dear Bob: It rather stopped me. In the last issue the question was raised in the Letters section and the editor replied that that was exactly the phrase used by Mr. Buchanan in a speech, 1996, given to the Heritage Foundation. But the simple answer to your . . . question is: No slur was intended. Cordially, Bill

—WFB

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Fund-raising revelations besiege the White House

Clinton campaign said to endorse Asian candidate

President, Carey aide met at height of conspiracy

GOP demands firing of Reno, hiring of counsel

U.N. investigator angers lawmakers

The new millennium could be a cybernightmare

Kim Jong-il 'ascends' to father's job / 22

Network TV blacks out Promise Keepers rally / 28

Socialism thrives in post-Cold War era / 31

Dr. Joycelyn Elders II? / 32

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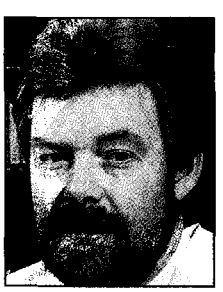

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NATIONAL REVIEW 199

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OH, THE PEOPLE WE'LL MEET!

The *National Review 1998 Post-Election Cruise* is your special opportunity to meet the brightest stars in the conservative firmament. Joining **Bill Buckley**—and *NR*'s **Rich Lowry** and **Kate O'Beirne**—will be former Republican National Committee chairman **Haley Barbour**, political guru **Ralph Reed**, columnist supreme **Cal Thomas**, former Senator **Malcolm Wallop**, *NR* Contributing Editors **Lawrence Kudlow** (if there's someone who can explain—with oodles of humor—the political side of economic affairs better than Larry, we don't know him!) and former Congressman **Vin Weber** (who played a key role in creating the conservative momentum that led to the Republican takeover of Congress in 1994), Oklahoma Gov. **Frank Keating** (a solid conservative best known for his remarkable handling of the Oklahoma City bombing's aftermath), and author **Charles Murray** (whose seminal books, *Losing Ground* and *The Bell Curve*, have sparked endless debate and controversy over the past decade—who doesn't have a question for *him*?).

AND THE PLACES WE'LL GO!

The *National Review 1998 Post-Election Cruise* will visit the most luxurious spots in the Caribbean.

St. Kitts is stunning. Powdery white sand beaches galore. Lush rain forests. And *beaucoup de* history—the British and the French fought over St. Kitts endlessly (and tenaciously: the 17th-century citadel atop Brimstone Hill is better known as the "Gibraltar of the West Indies").

Martinique's beautiful capital of Fort-de-France exudes an exotic blend of French and Creole cultures. Its narrow streets are lined with pastel-colored buildings (and wrought-iron balconies that will remind you of New Orleans). Head north to explore the ruins of St-Pierre, better known as Martinique's Pompeii (it was the island's premier city until 1902, when it was annihilated by Mont Pelée!). *Snorkelez-vous?* If so, don't miss the famous beach of Anse-Mitan.

Trinidad is the birthplace of steel bands and calypso. Walk down Port-of-Spain's Frederick Street and revel in the sounds and smells of this beautiful capital city. Parliament the Royal Botanical Gardens, Emperor Valley Zoo, Queen's Park Savannah—there's so much to do and enjoy here. Head out of town to visit Gasparée Caves, Maracas Waterfall Caroni Bird Sanctuary, the bizarre Pitch Lake, and Maracas Bay—Trinidad's most popular beach. Bring your camera and plenty of film!

Dominica is a tiny paradise. Take one of the many available hiking tours and prepare to be overwhelmed by the incredible sights (FYI: If you're a bird-watcher, this is Nirvana). Attention divers: Dominica's undersea world is teeming with gorgeous coral-laden reefs and sponge stands. Soufrière Bay, on Dominica's southern end, sits in the crater of a prehistoric volcano. You get the (pretty) picture.

St. Thomas offers a vast array of wonderful tours and excursions. Charlotte Amalie is a must for duty-free shopping. History buffs will want to climb the famous "99 Steps" to visit Blackbeard's Castle. There's an endless number of places where you can snorkel or scuba dive. And there are beaches, beaches, and more beaches.

Speaking of beaches, **Half Moon Cay**—Holland America's private Bahamian island—is a gem. The powdery white, crescent-shaped seashore is long and home to water so blue it's breathtaking. Stand still for a moment and an HAL staffer will approach you, bearing a lounge chair, and ready to take your drink order. Read a book. Soak up the sun. Let the waves lap at your feet. Sip a fruity concoction. Listen to the steel-drum band serenade you. It doesn't get much better than this.

AND THE FUN WE'LL ALL HAVE!

The *National Review 1998 Post-Election Cruise* will feature an unbeatable program. Join us and, in addition to a spectacular cruise, you will enjoy many exclusive events. For starters, we'll have five or six panel sessions where Bill and our celebrity guests will dissect the November elections and their implications for the conservative movement. Each session allows for plenty of "Q&A" time, so you get to ask your favorite celebrity the question you've always wanted him or her to answer.

Then we'll have three pool-side cocktail receptions. It's a nice setting for chit-chat, photo-taking (don't forget to pack

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your camera), and meeting new friends and greeting old friends.

Then we'll have some late-night "smokers" featuring elegant Montecruz cigars, which you'll enjoy with an aromatic snifter of cognac. These affairs have always been a favorite with our *NR* travelers.

And *then* over the course of our cruise, we'll "rotate" dinner seating among the *NR* contingent so that everyone will have the opportunity to dine intimately with our special guests.

All in all, it's a tremendous program. The fact that many of our past "cruisers" return with us again and again is proof that we're doing something (very) right. Why not see for yourself?

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Some background: When we moved our offices last year, we found a few boxes (mistakenly hidden in a storage closet) containing these beauts: each one bound in beautiful, deep-red leather, and featuring gilt-edged pages, a sewn-in purple bookmark, and a gold-embossed cover. The book comes in a rather ingenious encasement with a special drawer which contains both an *Atlantic High* jacket cover and, more importantly, a page from WFB's original manuscript, personally autographed by Bill and featuring his actual editorial markings (done with his trademark red ball-point pen). Naturally, the page is enclosed in and protected by a clear plastic slipcase.

Some 15 years ago these special editions sold for $350! Hundreds were bought, and we thought they were sold out. Then came our little office-move discovery. Anyway, be among the first 100 couples or "solo" travelers to sign up for the cruise and one of the *Atlantic High* special editions will be yours (there's none left after that, and we've already sold some 40 cabins, so don't delay!).

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SCANDAL FILE

Tale of the Tapes

THOMAS GALVIN

WHEN the partial release of Webb Hubbell's prison tapes spectacularly backfired on Dan Burton, Chairman of the House Government Reform and Oversight Committee, his chief investigator, Dave Bossie, took the fall. Bossie's ouster was front-page news in the *New York Times* and cause for White House apologists to start piling on.

Talk-show host Geraldo Rivera labeled Bossie a "zealot" whose word cannot be trusted, and lawyer and MSNBC commentator Gerald Lefcourt suggested that Bossie should "serve time."

The attack is smart politics. After all, it sends a message to every other Republican operative to think twice before sticking his neck out the way Bossie has done every day for the last four years.

As an investigative reporter, I worked regularly with Bossie from 1994 until last month, when I left journalism. He is not a dirty-tricks operative, a zealot, or someone who, as Lefcourt crassly suggests, has committed a crime. He's just a hard-nosed investigator—yes, a partisan investigator—who sank his teeth into Bill Clinton in 1992 and never let go.

If you're shocked by that, you haven't spent much time in Washington. There are dozens of investigators in Washington as partisan as Dave Bossie; there's just nobody quite as good. That's why he was such a lightning rod. He was cocky and brash and tireless as he dug deeper and deeper into Whitewater, and then the campaign-finance controversy.

But there was also another side to Bossie. The Democrats who regularly castigated him as a low-life never bothered to mention that when they went home to their cozy beds at night, Bossie went "home" to the Burtonsville Firehouse in suburban Maryland, where he served as a volunteer firefighter.

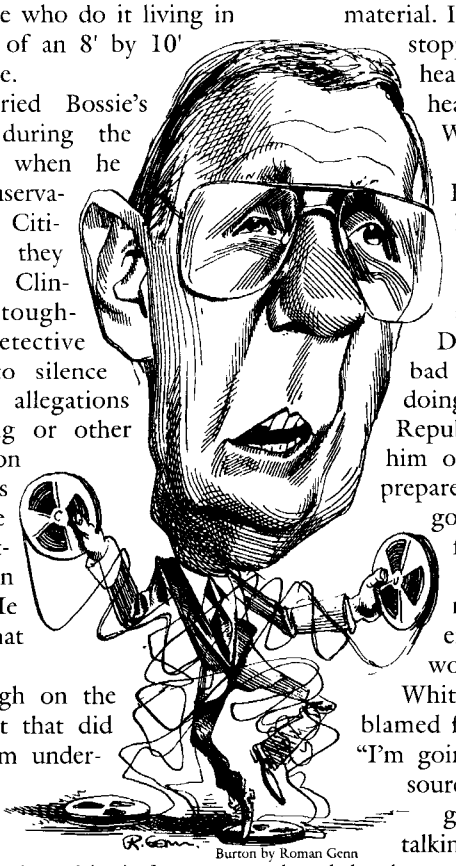
Mr. Galvin is a former investigative reporter at the New York Daily News.

The White House always believed Bossie stayed up late into the evening plotting how to tear down Clinton; actually, he was up almost every night dealing with house fires, car wrecks, baby deliveries, and other emergencies. He does about four hundred calls a year. He has seen plenty of death along the way, and in 1991 he permanently injured an ankle while fighting a house fire.

Clinton offers lip service to volunteerism, but there aren't many White House or Hill staffers who devote forty to fifty hours a week to community service. And certainly none who do it living in the bottom bunk of an 8' by 10' room in a firehouse.

Democrats decried Bossie's hardball tactics during the 1992 campaign, when he worked for a conservative outfit called Citizens United, but they are mute about Clinton's hiring of tough-guy private detective Jack Palladino to silence those who made allegations about womanizing or other matters. If Clinton deplores Bossie's tactics, then the President had better stop looking in the mirror. He might not like what he sees.

Bossie was tough on the White House, but that did not stop him from understanding when to turn it off. After battling White House lawyer Mark Fabiani for two years, he made a surprise call to him in California—where Fabiani had become a consultant—leaving a message wishing him luck and telling him that if there was anything he needed in Washington he should just let Bossie know.



Burton by Roman Genn

When Lanny Davis was leaving the White House earlier this year, Bossie agreed to stop by his farewell party and be introduced as the "new Clinton scandal spokesman." Only a last-minute emergency pulled him away from the gag.

Even some Democrats who regularly battled Bossie were left with a grudging respect. Richard Ben-Veniste, who was the chief Democratic counsel on the Senate Watergate Committee, told a reporter last year: "I like him. He was refreshingly candid. One of my beefs over a long career is hypocrisy, and Bossie is unvarnished and candid in his objectives."

For the press, he was a treasure trove of information on Whitewater, the Lippo connection to Clinton, campaign fundraising, and Webster Hubbell. Dozens of reporters kept up a connection with Bossie, hoping for a scoop. Dave always knew that he was playing with dynamite and couldn't make a mistake. He couldn't afford to lie to the press, intentionally mislead, or overhype his material. If he had, we'd have all stopped calling. I never heard him lie. I also never heard him buy into nutty Whitewater theories.

So why is Bossie the Beltway villain of the hour? In the end, ironically, he was undone not, as he had all along expected, by Democratic attacks or bad press. Instead, his undoing was at the hands of Republicans who had egged him on for years but were prepared to drop him if he got too hot. The time finally came.

This wasn't his first run-in with GOP powers-that-be. When he worked on the Senate Whitewater probe, he was blamed for a cascade of leaks. "I'm going to button up your source," Al D'Amato once growled at me. He was talking about Bossie. I just played dumb.

D'Amato staffers threatened Bossie with an investigation, but he stood his ground. He knew that it was D'Amato and other senators who were leaking, and so he called their bluff. A truce was arranged, and by the end of the

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Whitewater hearings Bossie could often be seen whispering into D'Amato's ear.

Bossie never helped himself by playing the Capitol Hill game. To congressional elitists, Bossie was just a college dropout. A blue-collar guy with a blue-collar attitude. To Bossie, those Harvard boys were gutless wimps afraid to get their shoes muddy.

Bossie had outlasted his usefulness. It was time to go, said the Republican leadership.

He spent four years on the tightrope without a net. Sooner or later, he had to get pushed off. Democrats surely will now try to kill Burton's investigation altogether. And the White House will use the Bossie furor as justification for saying the House can't be trusted with impeachment proceedings.

Did Bossie make mistakes? Yes. Was he better suited to be an investigator then a final decision-maker? Absolutely. But does he deserve the blame for the Hubbell tape fiasco? Maybe some of it, but he certainly doesn't deserve to be the fall guy.

Would he have kept his job if people knew that it was Burton counsel Richard Bennett, not Bossie, who decided to edit the tapes? Or that Bossie wanted to put them all out from the start, which would have avoided criticism of selective editing? Or that several members of the press were given access to exculpatory tapes on Hillary Clinton but missed their significance?

No, Bossie had outlasted his usefulness. It was time to go, said the Republican leadership. Funny, I don't remember them thinking a year ago that mistakes were firing offenses. □

Joan of Arkansas

MARK R. LEVIN

IF Dave Bossie is the favorite villain of Clinton defenders, Susan McDougal is their favorite martyr. She seemingly spends as much time on CNN's *Burden of Proof* as she does in jail, spreading the word that she won't cooperate with Kenneth Starr because he wants her to lie.

But Susan McDougal makes an unlikely victim; she's a convicted felon who has stiffed not just Independent Counsel Starr, but also the citizen grand jurors investigating her role in numerous financial schemes.

On April 23, 1998, Susan McDougal made her final appearance before the Little Rock grand jury probing the looting of Madison Guaranty Savings & Loan and the Clinton–McDougal Whitewater real-estate venture. Mrs. McDougal was asked about a $5,081.82 unendorsed check, dated August 1, 1983, payable to Madison Guaranty from the Jim McDougal Trustee Account and signed Susan Henley McDougal. The words "Payoff Clinton" appear on the check.

When asked about the check by a prosecutor, and reminded that the presiding judge had ordered her to testify, Mrs. McDougal refused to answer and insisted on seeing her lawyer. At that point, a grand juror said to her, "Can you tell us exactly what that check was for? It does say, 'Payoff for Clinton.'"

Mrs. McDougal answered, "I would love to tell you everything I know about it, but not with these people running the investigation. I don't believe they're interested in the truth. I really don't." An irritated grand juror responded, "Do you know who makes the ultimate decision of whether this is correct or not? Do you think it's Judge Starr, or do you think it's the 23 members [of the grand jury] that are here?"

Two weeks after this exchange, the Little Rock grand jurors indicted Susan McDougal on two counts of criminal contempt and one count of obstruction. They understood that she was obstructing *their* investigation.

Of course, this is not the first time Susan McDougal has stiffed a grand jury. According to news reports, in September 1996 she refused to answer the following questions: Did you dis-

Mr. Levin is president of Landmark Legal Foundation and an NR *contributing editor.*

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cuss an illegal $300,000 Small Business Administration loan with Bill Clinton? And, to your knowledge, did Mr. Clinton testify truthfully when he denied any involvement in securing the loan?

Despite a grant of limited immunity from prosecution, and despite a court directive that she testify, Mrs. McDougal refused. Judge Susan Webber Wright —the same judge who dismissed Paula Jones's suit—then ordered her to prison, where she has just completed an 18-month sentence for civil contempt.

What is Susan McDougal up to? The last time she testified was during a trial in which she and others were charged with multiple counts of fraud. On May 28, 1996, a trial jury convicted her of four felonies relating to the illegal SBA loan. (She's about to start serving time on those charges.)

In addition, she also faces multiple state embezzlement and forgery charges brought against her by the Democratic district attorney in Los Angeles. And conductor Zubin Mehta and his wife, Nancy, filed a civil suit against her. Both cases arise out of Mrs. McDougal's employment of the Mehtas' bookkeeper from 1989 to 1992. She is accused of, among other things, using the Mehtas' credit cards and checkbook to buy clothing, dine at restaurants, and travel. By the time she was through, she had allegedly spent in excess of $150,000.

How does Mrs. McDougal explain these charges? She blames Starr. According to Stand Up to Starr, a page on the official Susan McDougal website, "Starr pressures the Los Angeles District Attorney to proceed on the Mehta case against Susan." A spokesman from the L.A. district attorney's office told me that Starr played no role in that office's decision to charge Susan McDougal.

According to Mrs. McDougal, she is also persecuted by the press. The *New York Times*'s Jeff Gerth was the first to break the Whitewater story in 1992. His reporting, based on discussions with Jim McDougal, helped launch the federal investigations that eventually led to Susan McDougal's imprisonment. Recently, Mrs. McDougal alleged that when her late husband spoke to Gerth, "he was being paid, or motivated in some way to tell it," by the *New York Times*. Mr. Gerth calls the claim "absurd."

ABC News investigative producer Chris Vlasto wrote recently that before Susan McDougal came under the control of her brother and her new fiancé, she told him, "I know where all the bodies are buried." Mark Geragos, Mrs. McDougal's lawyer, now alleges that Vlasto must be colluding with Starr: "I assume there's some kind of OIC [Office of Independent Counsel] device here to kind of tarnish her or do something else."

And, of course, Mrs. McDougal alleges that David Hale—a key Whitewater witness against her and the Clintons —was paid by Richard Mellon Scaife and *The American Spectator* to influence his testimony. As with the allegations against the *New York Times* and ABC News, there is no evidence to support the charge.

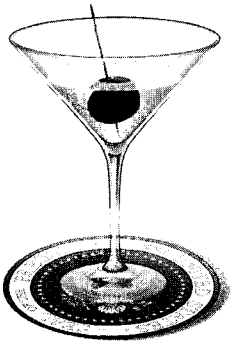
So, Susan McDougal is a small-time Arkansas operator with a criminal past and a tendency to blame Kenneth Starr and the press for her problems. No wonder she is the White House's Joan of Arc. □

Beltway Patriotism

ROB LONG

"THIS must seem like old hat to you," a Recognizable Pundit said to me as we piloted our way into the ballroom of the Washington Hilton. What he meant, I guess, is that the White House Correspondents' Dinner seems so "Hollywood"—everyone all dressed up, with polished faces and shiny shoes, the hum of Important People being important to one another.

And, of course, the celebrities: Michael Douglas and Sharon Stone and Warren Beatty and Annette Bening and Jon Bon Jovi (okay, okay—we're moving down the list pretty fast) breaking bread—and I mean that literally; the bread at these things is awfully stale—with your Jonathan Alters and your Howard Finemans.



It's a cliché, of course, to mention that Hollywood and Washington are eerie twins. They're both one-industry towns that are impenetrable to outsiders, and ever since the rumor went around Hollywood that David Geffen and Steven Spielberg offered Bill Clinton the chairmanship of their studio, DreamWorks, upon his retirement, it has been pretty easy to connect the dots between the two cities.

I was about to make the same point to my table mates (a bunch of journalists, a university professor, and a Cabinet secretary) and establish myself as one of the crowd—something plummy-sounding and smug, like, "It's extraordinary how the worlds of entertainment and politics intersect"—when we did something that in my ten years of going to Hollywood award shows and testimonial dinners I have never done.

We sang the national anthem.

Years ago, a successful talent agent told me the story of a long-running feud he waged with an agent at a rival agency. It was, by his account, a bitter and ugly war, waged with gossip, backstabbing, unethical conduct, and bribery of the office cleaning crew. He gave it up, he said, the day he saw his blood enemy coach Little League. Anyone who loved his kids that much, he reasoned, could not be all that bad.

I had the same sort of reaction watching the gang at the National Public Radio table sing the national anthem. They had their hands over their hearts, the way they were supposed to, and even in the dim light of the ballroom, I could tell they meant it. "Oh, say, can you see," they sang, without a trace of that whining tone they use when they think they're being wry.

Midway through the dinner, somewhere between the strangely orange salmon and the brackish coffee, our table broke into smaller discussion groups. I found myself in a trio between the university professor and my host, a brilliant young columnist. In our little threesome, only two seats away from a Cabinet secretary, and maybe 75 feet from the President of the United States, we gleefully trashed the Administration, branded both Clintons as liars and cheats, and generally had the kind of conversation that would have resulted in fifty years' hard labor in the old Soviet Union, or the current Cuba.

Mr. Long is a former co-producer of Cheers, *and currently the executive producer of* George & Leo, *airing on CBS.*

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The President and the Cabinet secretary couldn't hear us, of course, but that's not the point. The point is, the most powerful man in the world can't do anything about three slightly tipsy ingrates having dinner in the same room. That's what we call democracy.

In Hollywood, we never break into small discussion groups and speak treason. Out here, the walls have ears and everything is personal. Say the wrong thing, and you'll never work in this town again. That's show business.

Also, the presence at a banquet of a woman that the guest of honor has demanded sex from wouldn't cause quite the same kind of stir out in Hollywood. We have a name for it out here. We call it the Oscars.

But the real star of the evening was the biggest star in the room—Bill Clinton. The press has a complicated relationship with him. Call it Battered Reporter Syndrome. He treats 'em rotten, but they can't help themselves 'cause they love the big lug. When Clinton took a few well-phrased shots at the press, the laughs came fast and loud.

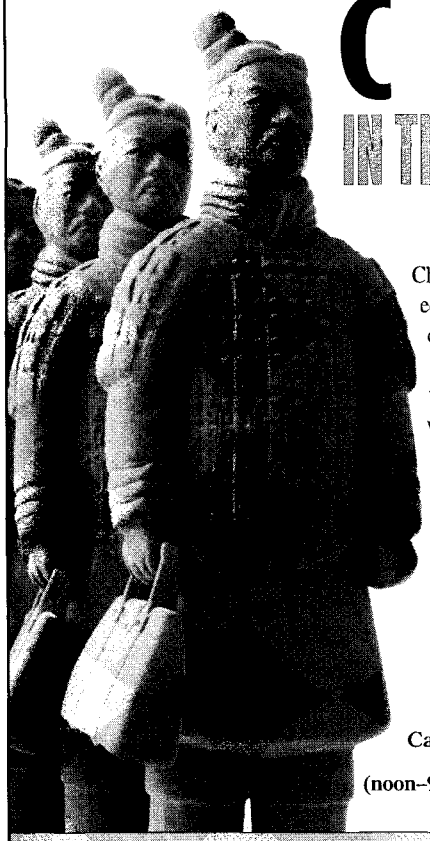
But the most polished part of Clinton's monologue was the most revealing. Clinton has some pretty sharp "saves" he trots out when a joke goes flat. All comedians have some up their sleeves. Johnny Carson was a master at it. And so is Clinton.

After a particularly tepid response to one of his jokes, he looked around and said, "That one's a thinker. You'll get it on the way home and laugh." And like Johnny's saves, his almost always landed harder and funnier than his best jokes. People like it when a comedian delivers a good save. It's fun to watch a master get out of a tough spot.

Clinton has some pretty sharp 'saves' he trots out when a joke goes flat.

And isn't that, in a nutshell, the story of the Clinton Administration's six nutty years? A series of fizzled jokes and masterly saves, all in front of an adoring press. "Watch me get out of this ridiculous mess that I've put myself in," Clinton tells us. And we do.

Big careers in Hollywood have been built on less. □



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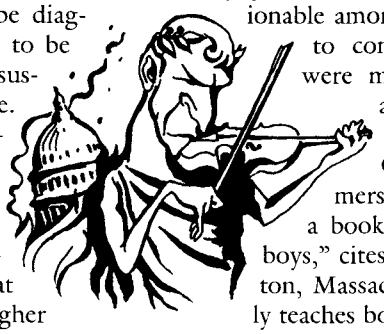
BREAD & CIRCUSES

Let's Hear It For the Boys

IN recent weeks, a long-neglected question has received front-page notice: Are boys being hurt by an inhospitable culture? After decades of "gender studies" depicting the woeful condition of young girls, researchers have now stumbled upon an obvious truth: it's a tough time to be a boy.

The evidence that many young boys are in trouble is overwhelming. Boys are more likely than girls to be diagnosed as learning disabled, to be held back in school, to be suspended or fail to graduate. The majority of college students are women, as are the majority of all graduate and professional students. Department of Education studies find that female students have higher self-esteem and loftier educational ambitions than male classmates.



Nonetheless, the recognition that boys are lagging behind in school is controversial—mainly because feminists fear that if boys' needs are seriously studied, girls' needs will be ignored. Many of them seem to believe that research on boys should be conducted in a lab—because boyhood is a pathological state whose sufferers must be cured, or at least quarantined.

A mother was recently quoted in the *Washington Post* about the way the feminized culture regards her young son: "It's politically incorrect to be a boy." The *New York Times* reported that a researcher who trains teachers had T-shirts made up declaring: "Boys Are Good." Even this lame gesture on behalf of boys offended the sensibilities of teachers in training, who soon will be presiding over real-life classrooms.

Elementary schools generally are organized by women for girls. When my own two little unindicted co-conspirators were attending co-ed neighborhood schools, the more mature, self-assured girls dominated both the classroom and the playground. Invariably, boys who lag behind in reading and writing are branded as troublemakers.

The chronic condition of little boys—once called "ants in the pants"—is now diagnosed as a disorder and medicated. The widespread misuse of Ritalin, prescribed to treat "attention deficit disorder," permits feminized schools to accommodate unruly boys.

On average, boys perform well on standardized tests but are outperformed by girls in the classroom. It's fashionable among education experts to conclude that if boys were more like girls their academic fortunes would improve. Christina Hoff Sommers, who is working on a book about "the war on boys," cites a school in Lexington, Massachusetts, that actually teaches boys to quilt!

Competition and academic awards are increasingly out, and cooperation and sharing are in. But boys typically want to win, not share. It's this natural aggression and competitiveness that frustrated education experts vainly hope early "intervention" will eliminate. To boost female self-esteem, our younger son's fourth-grade class performed a play in which the princess and her girlfriends vanquished the dragon while the boys in the kingdom stood idly by. We promptly transferred him to a different kingdom—an all-boys school. This school's mission, the headmaster explains, is to produce the kind of men parents want their daughters to marry. The boys diagram sentences, memorize poetry, and study Latin. They read about Greek heroes, soldiers, and explorers. They play in the rain, wreck their good shoes, and regularly lose their jackets and ties. And they love school.

For non-ideologues, there is no doubt that boys and girls are hard-wired to be different. Parents determined to provide their children with gender-neutral toys will despondently report, for example, that their two-year-old son makes gun noises while brandishing a carrot stick, or their toddler daughter lovingly makes a bed for her doll in the back of a Tonka truck. They learn first-hand what new research on the brain reveals about sex differences.

Michael Gurian, in his book *The Wonder of Boys* (Tarcher/Putnam 1996), recounts that researchers at Johns Hopkins University in the late Eighties were treated with suspicion when their study of 100,000 boys and girls revealed that biologically inherited brain and hormonal differences basically control the way males and females operate. It is now clear, according to Gurian, that these researchers "have been more than vindicated."

Girls' brains are stronger in the left hemisphere, where language is processed, while boys' brains are more oriented toward the right hemisphere, the spatial center. There will be more female French-literature majors, and men will dominate engineering departments, despite the efforts of the gender police.

PROFESSOR Sommers observes that despite the scientific conclusions, gender-blind zealots persist in their conviction that sexual identity represents learned behavior. She points out that feminists employ the language of the civil-rights movement in their assault on boys. Male characteristics are likened to racist attitudes that must be stamped out, and it is thought to be as wrong to segregate by sex as it once was to segregate by race. So, although both boys and girls can benefit from single-sex education, it must be prohibited as discriminatory—a view adopted by the Supreme Court in the Virginia Military Institute case.

Despite the welcome new concern about boys' well-being, the feminist assault on them continues. Sports have traditionally been an important outlet for boys' aggressive and competitive instincts. But the vigorous enforcement of a federal mandate for "gender equity" has led to the elimination of thousands of male slots on college teams.

The feminization of the military has eliminated another important rite of passage. Enlistments are down because young men who would once have been drawn to the military to win the respect of other men and the admiration of women are no longer volunteering to serve.

The battle over boys will continue until sensible parents insist that their sons need to be civilized, not feminized.

—KATE O'BEIRNE

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THE NEXT FRONT

Unrestrained

The Supreme Court may be more conservative, but it's as activist as ever.

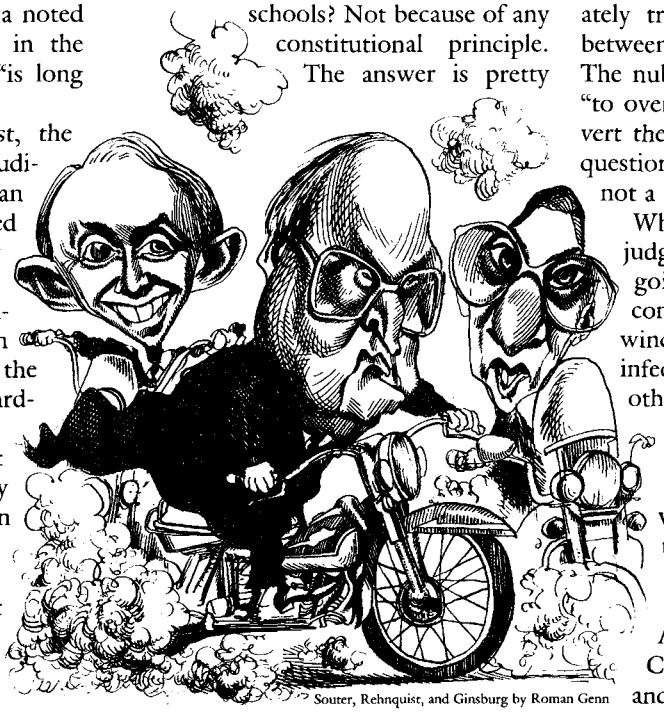
MAX BOOT

IN the conservative imagination, the Supreme Court's last term still glows brightly. Less than a year ago, the Court refused to grant President Clinton a stay in the Paula Jones case and threw out a challenge to the line-item veto. The Court also invalidated a large part of the Brady Act as an unconstitutional infringement on states' rights—the second major ruling since 1995 to reinvigorate federalism. And to cap things off, the Justices unanimously overturned two lower-court rulings permitting assisted suicide. The Right was triumphant, the Left despondent. "The era of liberal judicial activism," a noted liberal law professor lamented in the pages of the *New York Times*, "is long gone."

Would that it were. At best, the Rehnquist Court has done to judicial excess what Ronald Reagan did to federal spending: slowed its growth. Granted, the Court has given the Right a fair amount to cheer about—especially in its rulings breathing fresh life into the Takings Clause and the Tenth Amendment. But it has hardly adopted a consistent originalism, the doctrine that holds that judges should attempt to apply the law as it was understood when enacted instead of ruling according to their personal whims.

Just since 1995, the Rehnquist Court has overturned all state laws limiting the terms of congressmen; struck down Colorado's Amendment 2, which prohibited the passage of gay-rights laws; and forced the Virginia Military Institute and the Citadel to turn co-ed. Can anyone seriously claim that the Constitution has anything to say, one way or the other, about term limits, gay rights, or single-sex education? A Court that holds all-male education to be a violation of the Fourteenth Amendment's Equal Protection Clause could just as easily outlaw his-and-hers public restrooms on the grounds that they too are separate and unequal.

Why hasn't the Court mandated equal treatment in toilets as well as in military schools? Not because of any constitutional principle. The answer is pretty obvious: This would be a silly result. Some benighted observers might argue that the VMI opinion is equally silly—but that's not the view at the cocktail parties the Justices attend. The Rehnquist Court, like its immediate predecessors, is deciding cases on the basis not of neutral constitutional principles but of politics—a generally more conservative politics, but politics all the same.



Souter, Rehnquist, and Ginsburg by Roman Genn

The Court is no longer dominated by liberal extremists like William Brennan, Harry Blackmun, and Thurgood Marshall. The balance of power is now held by Anthony Kennedy and Sandra Day O'Connor. Hence outcomes are centrist, not liberal—but every bit as divorced from legal principle. As former Blackmun clerk Edward Lazarus writes of Kennedy and O'Connor in a new tell-all book [see review, p. 55]: "Both, in effect, hold constitutional interpretation hostage to their personal and often idiosyncratic views."

The case that best shows this judicial philosophy in action is *Planned Parenthood of Southeastern Pennsylvania* v. *Casey* (1992). The Court had appeared ready to overturn *Roe* v. *Wade*, an opinion that even many liberal legal scholars concede has little grounding in the Constitution. In a 1989 internal Court memo Justice Kennedy had indicated his willingness to overturn *Roe*. But he and Justice O'Connor recoiled from the brink and joined David Souter, another faux Republican, in issuing a mealy-mouthed plurality opinion that desperately tried to tread a middle ground between the pro- and anti-*Roe* positions. The nub of the trio's position was that "to overrule under fire . . . would subvert the Court's legitimacy beyond any question." Maybe, but that's a political, not a legal, judgment.

What is the point of giving federal judges lifetime tenure if they're going to be as poll-driven as any congressman? The finger-to-the-wind method evident in *Casey* has infected recent Court decisions in other areas too—including some that count as political victories for the Right:

Punitive Damages: In *BMW* v. *Gore* (1996), the Court held that a $2-million punitive-damage award by an Alabama court had violated the Fourteenth Amendment's Due Process Clause. Both Clarence Thomas and Antonin Scalia dissented on the grounds that the majority was invoking the hoary old doctrine of "substantive due process"—the notion that the Due Process Clauses of the Fifth and Fourteenth Amendments guarantee certain substantive rights, not just a fair legal procedure before "life, liberty, or property" may be taken away. This

Mr. Boot is the editorial features editor of the Wall Street Journal. *This article is adapted from the book* Out of Order *by Max Boot, to be published by Basic Books, a member of Perseus Books LLC.* *Copyright © 1998 by Max Boot.*

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empty vessel has traditionally been filled with whatever watery sentiments animated judicial activists of the day, producing discredited decisions ranging from *Dred Scott* v. *Sandford* (1857) to *Griswold* v. *Connecticut* (1965). Runaway punitive damages are a problem, but the Constitution doesn't solve it.

Criminal Procedure: The Warren Court imposed upon all the states the exclusionary rule (*Mapp* v. *Ohio*, 1961) and the *Miranda* rule (1966). This means that confessions or evidence illegally obtained—with illegality defined by judges, not legislators, and often in unpredictable ways—cannot be admitted at trial. The Court has subsequently conceded that exclusion is not mandated by the Fourth Amendment. But it has refused simply to chuck out *Mapp* and *Miranda* and let criminal procedure once again become the province of the states. Instead, the Rehnquist Court has sometimes strained logic and semantics in order to avoid excluding evidence when the result would be to let a heinous criminal walk free. The Justices have decided, for instance, that neither a dog sniff nor traipsing through somebody's "open fields" constitutes a "search." In other cases, the Justices have actually strengthened the Warren-era precedents; in 1997, for instance, the Court banned no-knock searches of drug safe houses even if the cops have a warrant.

Once conservatives concede the principle that activism is OK, they're slitting their own throats, since it's unlikely that the courts will be dominated by conservative activists any time soon.

All this has turned search-and-seizure law into what Yale's Akhil Amar calls a "mess" and an "embarrassment." The situation is best symbolized by federal judge Harold Baer Jr., who in 1996 refused to allow into evidence 80 pounds of drugs seized by police and then, after taking a political pounding, simply reversed his decision. Thanks to the Rehnquist Court's zigzag rulings, both decisions are equally grounded in precedent.

Reverse Discrimination: A bare-bones majority of the Court, including Kennedy and O'Connor, appears committed to the view that the Fourteenth Amendment forbids nearly all racial preferences. This has produced a series of cases striking down government set-asides, racially gerrymandered congressional districts, and other programs designed to benefit minorities. Applying this doctrine, the U.S. Court of Appeals for the Fifth Circuit has banned the use of race in the admissions process at the University of Texas Law School.

Critics point out that the Fourteenth Amendment was meant to protect "civil," not political or social, rights—as those phrases were understood in 1868. This means that the Amendment was designed only to guarantee racial equality in contracts, property, and court access; neither voting nor public employment nor school admissions should be governed by the Equal Protection Clause. Therefore, goes the argument, conservative judges are guilty of judicial activism by applying equal-protection principles in these areas.

It is indeed hard to believe that the Fourteenth Amendment's ratifiers meant to abolish a racial spoils system in education when they were perfectly content to have segregated public schools in the District of Columbia. A constitutional amendment that allowed states to discriminate against blacks should certainly allow them to discriminate in favor of blacks. Certain affirmative-action policies may well run afoul of color-blind civil-rights statutes, but conservatives who invoke the *Constitution* to strike down these laws are as guilty of judicial activism as their liberal adversaries.

Assisted Suicide: The Court acted correctly in rejecting a right to assisted suicide, but its reasoning was troubling. Chief Justice William Rehnquist's majority opinion had to labor mightily—and not very convincingly—to distinguish the assisted-suicide decision from the Court's prior due-process rulings.

Stephen Reinhardt, the canny liberal judge who wrote the Ninth Circuit's assisted-suicide opinion, anchored this newfound right in the long line of abortion precedents. Quoting *Casey*, he declared, "Like the decision of whether or not to have an abortion, the decision how and when to die is one of 'the most intimate and personal choices a person may make in a lifetime,' a choice 'central to personal dignity and autonomy.'" Indeed, the argument for assisted suicide as a constitutional right is stronger than the argument for abortion. After all, in the case of abortion, the rights of a third party are infringed upon, whereas assisted suicide is (at least in theory) purely voluntary.

How does Rehnquist's majority opinion refute this logic? It doesn't. Here is the Chief Justice's key statement on this crucial subject: "That many of the rights and liberties protected by the Due Process Clause sound [*sic*] in personal autonomy does not warrant the sweeping conclusion that any and all important, intimate, and personal decisions are so protected, and *Casey* does not suggest otherwise." But this assertion, of course, provides no guidance for determining *which* "personal decisions" are protected: why abortion and not suicide? In Rehnquist's defense, it may be said that he has always voted against recognizing a right to abortion, but the Court majority—which favors abortion, but not assisted suicide—has some explaining to do.

WHAT'S the real difference between *Roe* and *Casey* on the one hand, and the assisted-suicide cases on the other? It appears to be the differing climates of elite opinion surrounding those two issues. In 1973, the American Medical Association was on record as favoring a right to abortion—a fact of which Justice Blackmun took slavishly respectful note in *Roe*. In 1997, by contrast, the AMA opposed a right to physician-assisted suicide. In both cases the AMA is a pretty good proxy for other opinion leaders.

Conservatives may be tempted to accept all this, since, in many cases, the rulings are going their way. This is an alluring but shortsighted position. If conservatives concede the principle that activism is okay, they're slitting their own throats, since it is unlikely that the courts will be dominated by conservative activists in the foreseeable future.

The principled position is to say that political judgments should be left to voters and their elected representatives. The attempt by a handful of black-robed old coots isolated in Washington to craft national resolutions to contentious issues will always be doomed to failure. □

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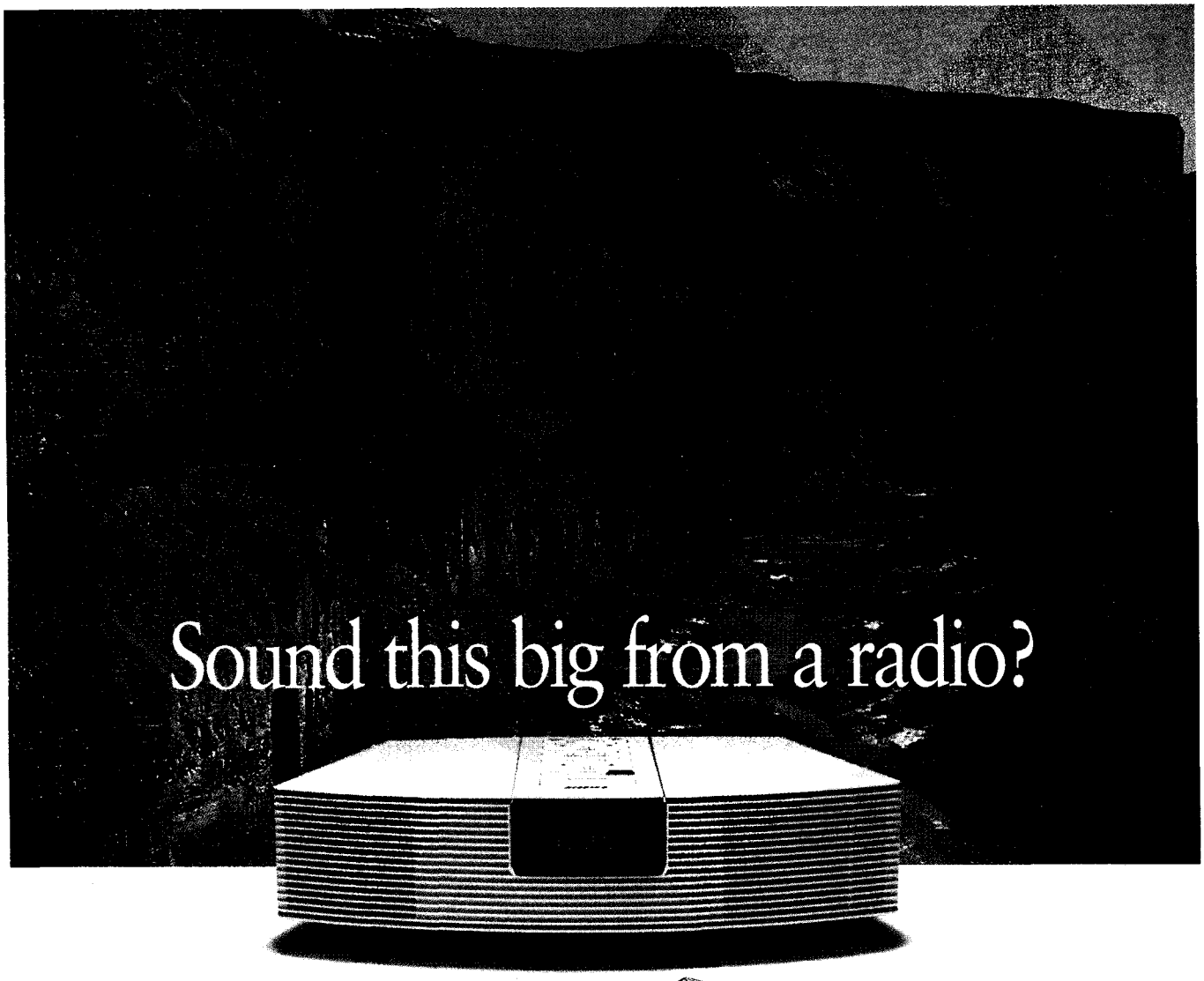

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House GOP, R I P

Speaker Gephardt? Here's why it just might happen.

ED KILGORE

THIS November, the experts tell us, is shaping up as another "status quo election." Congressional retirements are down sharply from 1996. America is fat and happy. The 1997 balanced-budget agreement is all anybody needs to campaign on. The approval rating for Congress is higher than it has been in a decade. Even Speaker Newt Gingrich has raised his approval ratings, which had been down around Caligula's, all the way up to the level of Nero's. Turnout will be very low, and Republicans win low-turnout elections. Vulnerable Republican incumbents, and many GOP challengers in winnable races, have big financial advantages.

No wonder House Republicans have set themselves a work schedule this session that resembles a featherbed union job. Sure, Newt & Co. will do some scandalmongering to keep their anti-Clinton base happy, and yes, there's that highway bill and a few other fatty snacks in store to rebut the "do-nothing Congress" charge. But most Republicans are more focused on the 2000 presidential election than on any threat to their control of the House.

This could be a colossal mistake. Despite the conventional wisdom of Republican invincibility—which is finally beginning to crack—there are several factors that could make 1998 a better year for Democrats than 1996. And the Democrats need to pick up just 11 seats to win back the House.

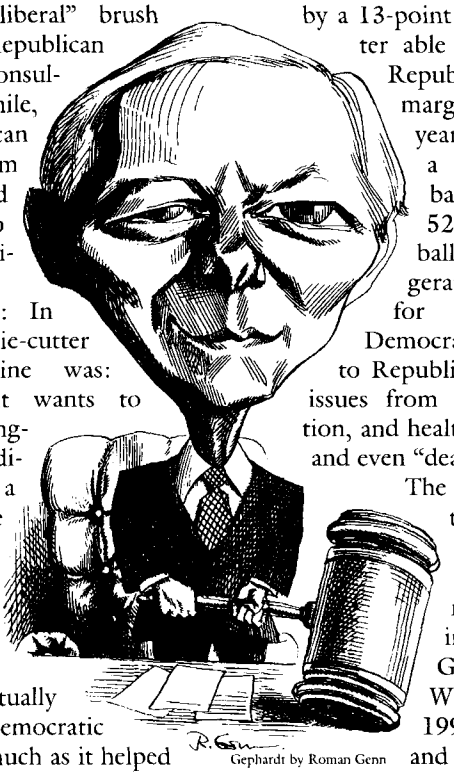
1. Lay of the Land: The constricted 1998 battlefield, with the sharply reduced number of retirements, is bad news for Republicans. Of the 22 House incumbents who lost in 1996, 18 were Republicans. Democrats actually won 22 seats that had been held by Republicans. The Republicans held onto their majority by winning open seats, especially in the South, where they took 7 of 19 open seats that had been Democratic. There are only 2 open Democratic seats in the South this year, and most of the endangered old-line white Democratic incumbents are gone with the wind. If Republicans continue to lose incumbents in the Northeast, the upper Midwest, and the Pacific Coast, Dixie cannot save them.

There are, of course, vulnerable incumbents in both parties. But of the 48 House members who were elected with less than 52 per cent of the vote in 1996, 30 are Republicans; just 18 are Democrats. Both sides claim to have done a brilliant job of candidate recruitment, but the Democratic Party is better positioned for marginal races, running centrist "New Democrats" [see "Democrats for Life," *NR*, May 18] who will be difficult to tar with the "liberal, liberal, liberal" brush beloved of Republican campaign consultants. Meanwhile, many Republican challengers seem to be focused on appealing to the black-helicopter vote.

2. Message: In 1996, the cookie-cutter Democratic line was: "My opponent wants to help Newt Gingrich cut Medicare to give a tax cut to the rich." By reminding voters that the GOP liked to cut taxes, this line may actually have hurt Democratic candidates as much as it helped them. This year most Democrats are running on a positive message of keeping the budget balanced while helping middle-class Americans cope with child care, health care, and education. Republican-bashing is pretty much limited to noting (accurately) Republicans' hostility to environmental protection and public education, and criticizing (accurately) their rapid adjustment to the comforts of incumbency in Washington. The Democratic message of "balanced-budget progressivism," which even union-backed candidates are embracing, is arguably the foundation of the President's high job-approval numbers.

If there's a clear Republican message for 1998, what is it? Cutting taxes (when they have not proposed significant tax cuts)? Balancing the budget (when they passed a highway bill that would help unbalance it)? Promoting total privatization of Social Security (just when Democrats are again seizing the high ground by accepting less controversial reforms)? Railing at the United Nations, the International Monetary Fund, or the National Endowment for the Arts? Snuggling up to poor old Joe Camel? The Republican message for 1998 is not just a mess—it's an obscure, confusing mess.

For the GOP, the most ominous recent poll is an April 3 survey by the respected Pew Research Center that shows Democrats leading Republicans by a 13-point margin as "the party better able to bring about change." Republicans had a 17-point margin on this question three years ago. In the same survey, a "generic" congressional ballot gave Democrats a 52–40 lead. This generic ballot number may be exaggerated, but most disturbing for Republicans is that Democrats were rated as superior to Republicans on a broad range of issues from the environment, education, and health care to jobs, prosperity, and even "dealing with taxes."



Gephardt by Roman Genn

The simplest explanation for these trends is that congressional Democratic candidates, at least in marginal races, are "catching up" with the Clinton–Gore message that won the White House in 1992 and 1996. Against an uncertain and divided GOP, there's no reason on earth why Democrats should not do better in 1998 than in 1996.

3. Turnout: The belief that "base voters" show up at the polls no matter what, while "swing voters" stay home in low-turnout elections, is increasingly

Mr. Kilgore is the political director of the Democratic Leadership Council.

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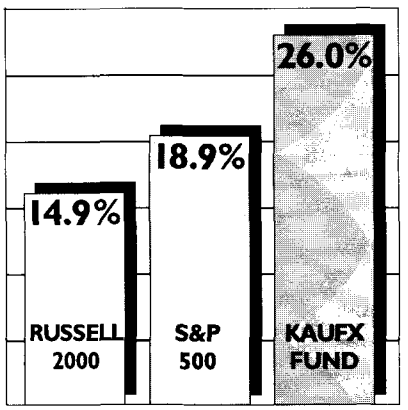

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threadbare. The best evidence is that in most elections, non-voters have views remarkably similar to voters. But even if you assume that this is a "base-dominated" election year, the landscape is not good for the GOP.

The Democratic base is expanding for the first time in decades.

As presidential pollster Mark Penn showed in a recent survey for the Democratic Leadership Council, the Democratic base is changing, and even expanding for the first time in decades. Latino voters, whose participation rates are increasing almost geometrically, are the most familiar new factor in the Democratic electorate. But Penn also demonstrates that "suburban values Democrats" (roughly speaking, "soccer moms") and "New Economy Democrats" ("knowledge workers" in high-tech occupations) are becoming reliable elements of the Democratic base. If possible, Latinos are even more suspicious of Republican politicians now than they were in 1996. And all three new elements in the Democratic base are attracted to the New Democratic message of "balanced-budget progressivism" and cultural tolerance adopted by most Democratic candidates running in marginal districts.

Meanwhile, turnout by the element of the Republican base that vaulted the GOP to majority status in 1994—religious conservatives—is likely to be down in 1998, perhaps even calamitously, reflecting an ebb in the cyclical relationship of Christian evangelicals to politics. One sign is the threat of Dr. James Dobson to persuade his millions of listeners and readers to stay home this November. Perhaps more important was the "month of prayer" promoted by thousands of evangelical ministers in March—sort of a Baptist/Pentecostal Lent—aimed explicitly at producing a Third Great Awakening of American spirituality. As they did in the mid 1980s with the collapse of the once-fearsome Moral Majority, religious conservatives seem to be deserting the flagging Republican Revolution to re-enlist in the Permanent Revolution of the Lord of Hosts.

4. Intangibles: The Democratic Party's real ace in the hole is the blind faith Republicans place in their manifest destiny to rule the country, as reflected in such hardy myths as "the six-year itch" and "the conservative mood of the country." The problem is simple: after finally winning a Thirty Years War against traditional liberalism, Republicans cannot accept the fact that the opposition has adapted and changed.

The 1996 Dole–Kemp campaign was a perfect example. Republicans ran not against Bill Clinton but against the ghosts of Walter Mondale and Michael Dukakis. It didn't work. Voters emphatically did not share the deep-seated conservative belief that the President was pro-welfare, anti-defense, soft on crime, alienated from middle-class values, and addicted to higher taxes and spending. Today, Republicans remain fiercely devoted to the belief that New Democratic politics is a total sham, a political echo of the moral duplicity they see as the heart of the Clinton Presidency. Instead of competing with New Democrats, conservatives persistently claim they cannot exist.

We do. And Republicans deny it at their peril. □

Mega-Risk

In the new world of finance, everything is getting bigger—potentially including Americans' tax bill.

LAWRENCE KUDLOW

THE celebrated mega-merger between Citicorp and Travelers will—assuming that Congress and the Federal Reserve approve the merger application—create a mind-boggling $70-billion financial conglomerate that proposes to combine commercial banking (Citibank), investment banking and securities dealing (Salomon Smith Barney), and insurance and retirement-saving services (Travelers). All this would bring $700 billion of assets together under one roof, making the new CitiGroup the largest financial company in the world—and a huge new threat to American taxpayers.

The Citicorp–Travelers deal is part of a larger movement toward consolidation in the financial industry. BankAmerica and NationsBank are proposing to merge their $570 billion in assets, and Banc One and First Chicago NBD have a $230-billion regional proposal.

Federal approval of these deals is not a foregone conclusion, because it would entail an actual or de facto repeal of the Glass–Steagall Act. But indications are that both Congress and Federal Reserve Chairman Alan Greenspan are leaning that way.

Mr. Kudlow, an NR contributing editor, is chief economist at American Skandia Marketing.

Glass–Steagall, passed in 1933, required strict separation of commercial banking from stock underwriting and trading, and from insurance underwriting and provision. It was considered necessary, in the aftermath of the 1929 stock-market crash, to break up the big financial trusts of an earlier era. But in today's global financial markets, big is considered good. Under Greenspan's guidance, the Fed has slowly but steadily allowed bank holding companies more leeway to enter other fields.

Repeal of Glass–Steagall is increasingly favored on both sides of the aisle in Congress. Three times the Senate Banking Committee (under both Michigan Democrat Don Riegle and New York Republican Alfonse D'Amato) has sent repeal measures to the floor, although the House has never brought them to passage. Mainstream economists in and outside the Fed have been moving toward consensus on the need to abolish

The Fed has slowly allowed bank holding companies more leeway to enter other fields.

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Glass–Steagall. They argue for a level playing field among financial companies, which would lead to new efficiencies and economies of scale, which in turn would lead to the provision of higher-quality financial services at lower prices.

In many ways, the time seems ripe. Banks have risen miraculously from the ashes of the 1990–91 credit-crunch recession. Over the past five years bank profits have increased by roughly 16 per cent annually. And marketing experts believe devoutly that giant financial supermarkets will prosper by offering one-stop shopping for consumers in search of home mortgages, insurance policies, variable-annuity retirement plans, mutual funds, brokerage accounts, credit cards, and overall financial planning.

However, giant financial supermarkets have a poor track record in Europe, and an even worse one in Japan. Nor have they done so well here, to the extent that they have been permitted to function. The American Express Shearson experiment in one-stop shopping was a bust, resulting in Sandy Weill's departure as vice chairman of the company.

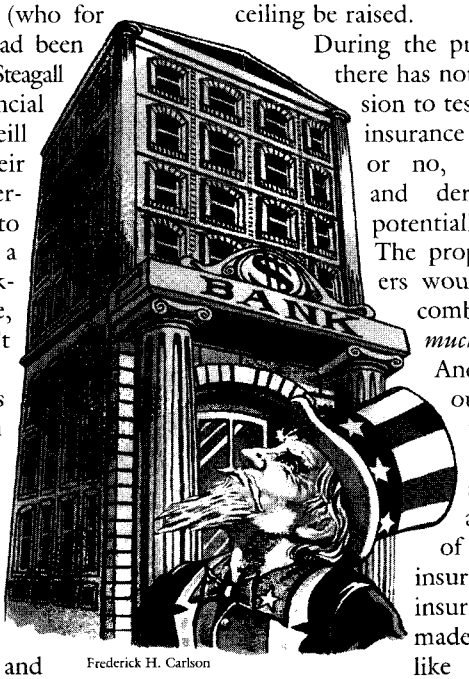
Mr. Weill, now at Travelers, is eager to repeat the experiment: the CitiGroup merger is his brainchild, and he would co-chair the new company with Citicorp chairman John Reed (who for reasons of his own had been lobbying against Glass–Steagall repeal). In a free financial market, Messrs. Weill and Reed and their investors should certainly be allowed to take the risk of such a venture. But the banking market isn't free, and the risk isn't theirs alone.

Behind America's roughly $3.5 trillion in total bank deposits is the Federal Deposit Insurance System, which threatens huge contingent taxpayer liabilities. During the last credit crunch—the S&L and commercial bank crisis—the FDIC routinely assisted institutions that were insolvent but deemed "too big to fail." The FDIC was willing to back up even deposits that exceeded its $100,000 insurance limit. With that extra support, the failing institutions were able to find healthy acquirers.

But what taxpayers found was a $250-billion bill to be paid—a massive liability that scared the Bush Administration into raising taxes in 1990 and provided a pretext for President Clinton's tax hike in 1993. After the sale of bad bank assets, it appeared that the cost to the taxpayers was only about $100 billion, but the tax hikes still stand.

Furthermore, in the long run the first estimate was probably closer to the mark, because a government bailout increases the moral hazard risk of future bailouts. Both large and small bank depositors are willing to overlook excessive risk-taking by bank managers, secure in the knowledge that they will be protected by government insurance (i.e., tax dollars).

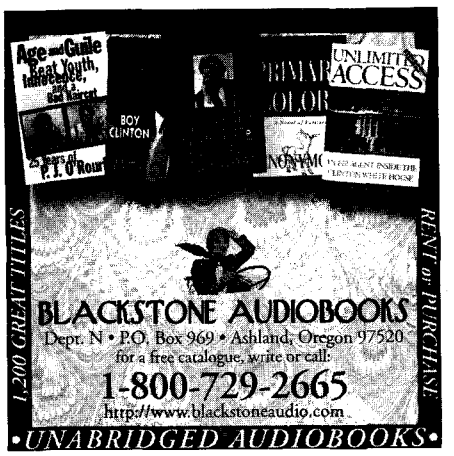
In 1991 the FDIC Improvement Act stipulated that the $100,000 deposit-insurance limit must always be observed—*unless* a bigger deposit guarantee was the "least costly way" to prevent a banking crisis. This judgment call was further refined by a Greenspan provision called "systematic risk exception." That is, only if the President, the Fed chairman, the FDIC chairman, and the Treasury Secretary agree about major risks to the economy will the $100,000 ceiling be raised.



Frederick H. Carlson

During the prosperous Nineties there has not yet been an occasion to test the new deposit-insurance policy. But limits or no, deposit insurance and deregulation are a potentially explosive mix. The proposed mega-mergers would create financial combinations that are *much* too big to fail. And in a world without Glass–Steagall, would we in effect be replacing deposit insurance with a broader notion of financial-services insurance? If deposit insurance is effectively made to cover brokers like Goldman Sachs and Merrill Lynch, or the non-bank services of the mega-bank holding companies, potential liabilities will explode. Our government insurance reserves, now valued at roughly $50 billion, would be nowhere near enough to cover them.

Free-market advocates of breaking down the New Deal financial restraints should recognize the need for a new, private deposit-insurance system. This is the missing link between Glass–Steagall repeal and a truly modernized twenty-first-century financial-market system. With freedom from regulation must come responsibility for losses. Freedom includes the freedom to fail. That's a risk businessmen should always be free to take—but not with tax dollars. □



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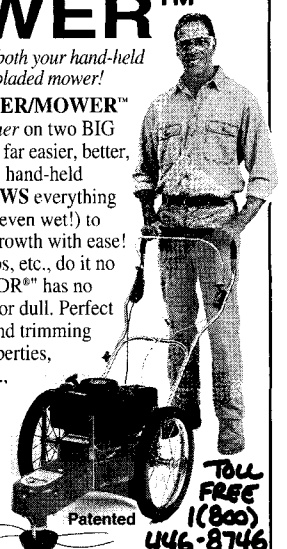

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Failing Grade

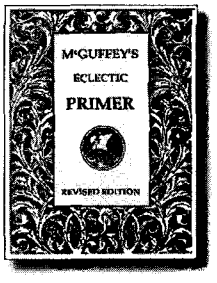
Siegfried Engelmann developed an amazingly effective method of teaching. Why don't you know his name?

RICHARD NADLER

WESLEY Elementary School in Houston has all the demographic markers of school failure. It is located in the inner city, and its student body is 92 per cent black and 7 per cent Hispanic; 82 per cent of the school's students qualify for subsidized lunches, triple the rate at Houston's top dozen schools. Yet Wesley Elementary ranks among them. Its first-graders place in the 82nd percentile in reading tests, 50 percentiles higher than their counterparts at most schools with similar proportions of "at-risk" kids.

Wesley principal Thaddeus Lott has a potent weapon against failure: the Direct Instruction curricula designed by Siegfried Engelmann. In education, a 10-percentile rise in standardized-test scores is called a "major effect." Such results are rare. Engelmann's Direct Instruction methods in reading, writing, and math regularly hike scores 30 to 40 percentiles. And he will never be forgiven for it.

Engelmann is a pariah in educational circles not because he grooms like a biker, dresses like a farmer, and curses like a sailor, though all those things are true. Nor are his methods shunned because he isn't part of the academic guild, although his only degree is a B.S. in philosophy from the University of Illinois. He is an outcast because for thirty years, he has succeeded by defying all the fashionable theories of educational reform.



These theories take as their starting point the collapse of the common-school ideal that molded public education in the nineteenth century. This held that students of diverse ethnic and socioeconomic backgrounds could acquire fundamental skills in a shared classroom environment. Today, a shared culture is no longer held by education theorists to be a desideratum. And in the real world, the social scourges of family breakdown, crime, and adolescent promiscuity have interrupted the transmission of knowledge and values across generations. The result in the classroom is a meltdown of standards, both behavioral and academic.

Present-day educational theorists have responded to this crisis by either abandoning the common-school ideal or setting preconditions to it. "We will educate the children," they promise, "but first we must . . ." Redistribute wealth and change attitudes, say liberals. Introduce competition and restore the family, say conservatives.

For thirty years, Engelmann has scorned these ideological prerequisites to education reform and treated educators as directly responsible, here and now, for the quality of their product. His interest in education began through advertising, the field on which he thought he had settled in the late 1950s.

Exploring psychological literature on behalf of clients who marketed to kids, he recognized a dearth of research on how children learn. "I wanted to see what kind of input it took to induce retention, and what the range of individual difference was," Engelmann recalls. He initiated child focus groups for test marketing, using his own pre-school twins, Owen and Kurt, plus the children of neighbors and co-workers.

Education soon replaced advertising as his obsession. In his spare time, Engelmann, working with his sons, outlined sequences of instruction that would form the kernel of his later curricula: skills communicated with logical precision in discrete, child-sized bits; careful measurement of mastery; rapid correction of mistakes; strict schedules; an early emphasis on phonics and computation; and incessant review to integrate old skills with new. In the early 1960s, Engelmann sent home movies to educational institutions demonstrating his math-teaching techniques. His toddlers performed computations typical of upper primary students, as well as simple linear equations.

After decades of refinement, and with help from colleagues first at the University of Illinois and later at the University of Oregon, Direct Instruction (DI) is now a detailed package of educational tools: curricula, classroom management procedures, teacher-training techniques, assessment devices, and quality controls. It was designed for mass replication. It does not require super-disciplinarians like Joe Clark or charismatic leaders like Jaime Escalante. It requires neither a cooperative village of committed adults, nor even a supportive two-parent family at home. From its earliest days, DI was shaped to succeed in the educational killing fields of urban America.

It worked. It raised student IQs by training children early to apply logical distinctions to new materials. It worked well with children who were at, below, or above the norm for their grade. It accommodated both accelerated programs and remediation. It fostered classroom discipline from the earliest ages. The package, implemented systematically in grades K–3, proved so potent that even when it was abandoned after the third grade it still had measurable, statistically significant effects on high-school graduation and college acceptance—an advantage of at least 10 percentiles.

Apparently children who mastered reading and writing felt better about themselves.

But at the same time that Engelmann was developing techniques to eradicate school failure, America's schools of education were developing new theories to justify it. Followers of Swiss psychologist Jean Piaget taught that children underwent developmental sequences, or cognitive "stages," regardless of their instruction. Failure to learn indicated not a deficiency in teaching but a mistake in timing: the child had not yet reached the appropriate stage. The contrast between this and Engelmann's slogan—"If the student hasn't learned, the teacher hasn't taught"—could not have been more stark. So, too, the contrast in teaching methods: where Engelmann

Mr. Nadler is editor of K.C. Jones Monthly, *a Midwestern journal of opinion.*

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wanted teachers to direct instruction from one lesson to the next in a fixed time period, Piagetians told them to facilitate the child's self-discovery.

As educators flocked to the Piaget model, textbook publishers and education schools showed no interest in Engelmann's freakish success. He had to enter the nation's educational debates through a small back door. While Engelmann did not subscribe to behavioral psychology, the behaviorists were interested in his work because they too opposed Piaget. The behaviorists advanced his career, but fixed it in a posture of dissent.

DIRECT Instruction's elevation from an academic cubbyhole to the national stage occurred in 1968. The Nixon Administration's Office of Economic Opportunity (OEO) was promoting education as the alternative to welfare. In conjunction with the Office of Education, OEO funded a competition to discover the "best practices" for teaching disadvantaged primary-school students. This billion-dollar project, called Follow Through, became the largest controlled comparative study of pedagogical techniques in human history, involving tens of thousands of students in hundreds of school districts across the country.

In addition to Engelmann's Direct Instruction, participating school districts could choose from a variety of other models—Piagetian psychology, open classrooms, extended Head Start, whole-language immersion, self-esteem training, even strict behaviorism. The sponsors of the project were a virtual Who's Who of America's educational elite, and they helped pick the tests that would determine which method best advanced reading comprehension, reasoning with numbers, understanding of mathematics, and "affective skills" such as self-esteem and attitudes toward learning.

Eighteen school districts—some rural, some urban, some on Indian reservations—applied DI, despite the resistance of many school administrations. When the testing was over, students in DI classrooms had placed first in reading, first in math, first in spelling, and first in language. No other model came close. Many of the others underperformed the control groups. DI even defeated the developmental and affective models on their own turf: DI students also placed first in self-esteem. Apparently children who mastered reading, writing, and math felt better about themselves than those who did not. Direct Instruction, the invention of a pitchman, an uncredentialed psychologist, had defeated the pet programs of the experts.

Engelmann naïvely waited for the newborn Department of Education to declare him the winner, and apply the "best practices" it had been at such expense to locate. But the achievements of mavericks from ad agencies and psychology departments were unacceptable to the education establishment on any terms. The Ford Foundation financed a major paper to denigrate the results of Follow Through. Over the objections of Commissioner of Education Ernest Boyer, the new Department of Education inaugurated what it called "joint dissemination" of the results: by advocating all models, including ones that performed worse on all counts than the control groups, it effectively advocated none. And without the project's funding, recalls Engelmann, "We watched what we had spent years cultivating in sites like Providence, Rhode Island, and Smithville, Tennessee, revert to the weed patch from which it sprang."

DI fell on even harder times in the mid Eighties, an accidental victim of the Reagan-era push for higher state standards. The education establishment adopted the language of standards to promote policies like "outcomes-based education" and "performance-based assessments" which actually destroyed the testing systems that had documented the establishment's failure. It became impossible to compare teachers or methods of instruction based on their results.

And states' centralization of education allowed the establishment to crush local efforts to implement DI. In California, where DI was strong, the state Board of Education under Commissioner Bill Honig took it off its list of approved curricula. Textbook publishers won't touch a product banned in California (or Texas), so the defeat there devastated DI everywhere. California, meanwhile, went from having one of the highest-rated school systems in the nation to one of the lowest.

Honig is now celebrated as a reformer, a favorite of no less an educational authority than Lamar Alexander. National publicity for Engelmann's work, on the other hand, consists of the article you are now reading. In public education, nothing succeeds like failure. □

"That's ridiculous. The Chinese never tried to influence anyone," Tiffany snapped.

Her hair was slashed short, bleached and spit-curled within a kink of its life; maybe a tiny bit more. She was Deep-communing again – living as another suppressed aspect of her basic Self, an assortment of which aspects consort down on a deep, instinctual level.

On a deep instinctual level of my own I knew who personified the aspect and keyed her communing, but the name declined to rise.

"All that might've happened," the First Lady said, losing character slightly, " was if William told Chuck Yin something like, oh, 'We are moving up. Into the Big Leagues, good buddy. It's up to you if you'll jolt along on a tailgate or sit up top sharing the reins.' "

"He.."

"What could possibly be more innocent?"

"Car arriving," said Daphne.

from SMOKING GUN

a novel by Paul Rawlings (based on a true story)

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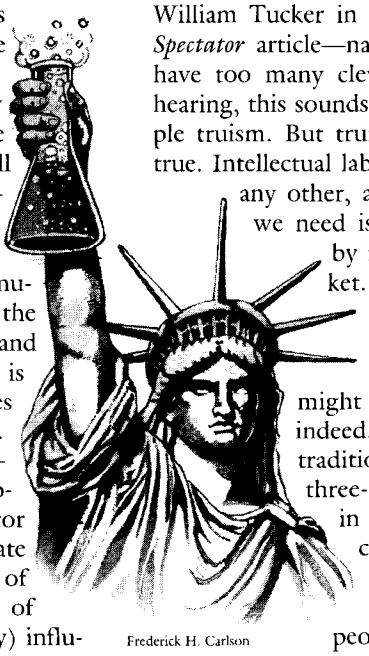
Silicon Implants

The Republican program to bring immigrants to America is full of bugs.

JOHN O'SULLIVAN

THIS is an age of specialization. So perhaps we should not be surprised that the market has called forth an employment agency offering to find the U.S. software industry able young employees trained in the latest skills, to bring them in from abroad at bargain-basement prices, to secure them proper "guest worker" credentials, and to arrange matters so that they cannot accept a better offer from another company for a period of six years. The name of this agency, however, is not the Software Indentured Service Agency or SISA, but the congressional Republicans (whom it is tempting but probably unwise to call "Sissies" for short).

The mechanism whereby the SISA Republicans hope to achieve these ends is a bill that would increase the number of H-1B "temporary" visas for skilled workers from 65,000 to 115,000 annually. It has already passed the Senate Judiciary Committee and the House subcommittee; it is expected to pass both Houses by mid June at the latest. And why not? It has the support of most Senate Republicans, in particular of Senator Spencer Abraham of the Senate Immigration Subcommittee, of the House GOP leadership, of the politically (and financially) influential software industry, of the *Wall Street Journal*, and of those conservatives who lose their critical faculties when they hear words like "high-tech" and "globalization."



Frederick H. Carlson

But if America is the leading high-tech nation in the global economy, why do we need to import 575,000 workers over the next five years to fill new information-technology jobs? Shouldn't Americans be doing those jobs? (Yes, yes, I know that manpower planning is a notoriously inexact science, but that argument applies to both sides in this dispute—if anything, more strongly to the bill's supporters, whose entire case rests on the notion of a skills gap.) Once that question is asked, it leads naturally to others. Is there really a shortage of software programmers? If so, do we need to fill it by immigration? And if so again, is an increase in the number of H-1B temporary visas the best route? And most unsettling of all: Why is this bill gaining such heavy industrial and political support?

One way of avoiding serious thought about such matters is to lay down a convenient, overarching principle. Such a principle was stated by the usually acute William Tucker in his recent *American Spectator* article—namely, that we can't have too many clever people. At first hearing, this sounds indisputable, a simple truism. But truisms are not always true. Intellectual labor is a resource like any other, and how much of it we need is best demonstrated by its price in the market. (Of which more below.) But a perennial surplus of intellectual labor might be a very bad thing indeed. Conservatives have traditionally argued that three-quarters of the ills in the world are caused by unemployed intellectuals. Importing clever people when they will either be unemployed or add to the unemployment among the local intelligentsia might therefore be an extremely dangerous policy. We cannot airily embrace it in theory; we have to examine the likely effects in each particular instance. Hence:

1. *Is there a shortage of skilled programmers in America?* If there were such a shortage, we would expect to see it reflected in companies' searching America for such workers and in their salaries' rocketing skyward. In fact, according to Norman Matloff, professor of computer science at the University of California at Davis (who is leading an Internet campaign of American programmers against the bill and who testified before the House Immigration Subcommittee), many companies hire only between 2 and 5 per cent of applicants. As for wages, according to the Urban Institute (which is traditionally friendly to high levels of immigration), the price of workers with information skills is rising in line with the price of other skilled workers in a cyclical upswing. No more. There seems to be no general shortage of programmers—Marcus Stern in a syndicated report for the Copley News Service found that there was a large surplus of unemployed programmers, particularly ones in their middle years. Which gives rise to a second question:

Intellectual labor is a resource like any other.

2. *Is there a shortage of particular programming skills?* Software companies claim so. The core of their argument is that for economic reasons they must hire programmers with newly developed skills rather than retrain existing programmers. That means scouring the world for the best and brightest—but not apparently scouring this country. T. J. Rogers of Cypress Semiconductors, the industry's most vocal spokesman for legislation that would bring in programmers from abroad, has conceded that his company recruits at only 26 colleges within the United States.

3. *Can these skills really not be provided by Americans?* Even if unemployed American programmers cannot be retrained, American students can still be *trained* for them in the first place. But Sen. Abraham argues the shortage case by citing a 42 per cent drop in the number of first degrees awarded in computer science between 1986 and 1995. Which is fine except that Marcus Stern collected more recent figures which tell a very different story: for instance, enrollment in computer sciences at the University of California at San Diego has risen by 92 per cent in the last five years, and in computer engineering the increase has been 50 per cent. There is, in short, a large supply of Americans with the requisite skills in the pipeline—on top of the existing American pro-

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grammers who are either currently unemployed or have gone into other professions (an astonishing four-fifths of computer-science graduates, according to a 1993 national survey of college alumni).

4. *What then is the attraction of this legislation*? Good question. From the software industry's standpoint, the answer is that such temporary guest-workers are very cheap, extremely hard-working, and above all pliable. Cheap? They generally come from low-wage countries where an American salary seems enormous, and a significant element in their compensation is the promise that the company will help them acquire permanent U.S. residence. Hard-working? They come from cultures with a strong work ethic, they are generally just out of college, they are in a foreign country, and for all these reasons they can bring a single-mindedness to their work that a middle-aged American with a wife and kids simply cannot replicate. Pliable? The terms of an H-1B visa make it very difficult for them to move to another company. They are in effect indentured servants—at least until they get their green card.

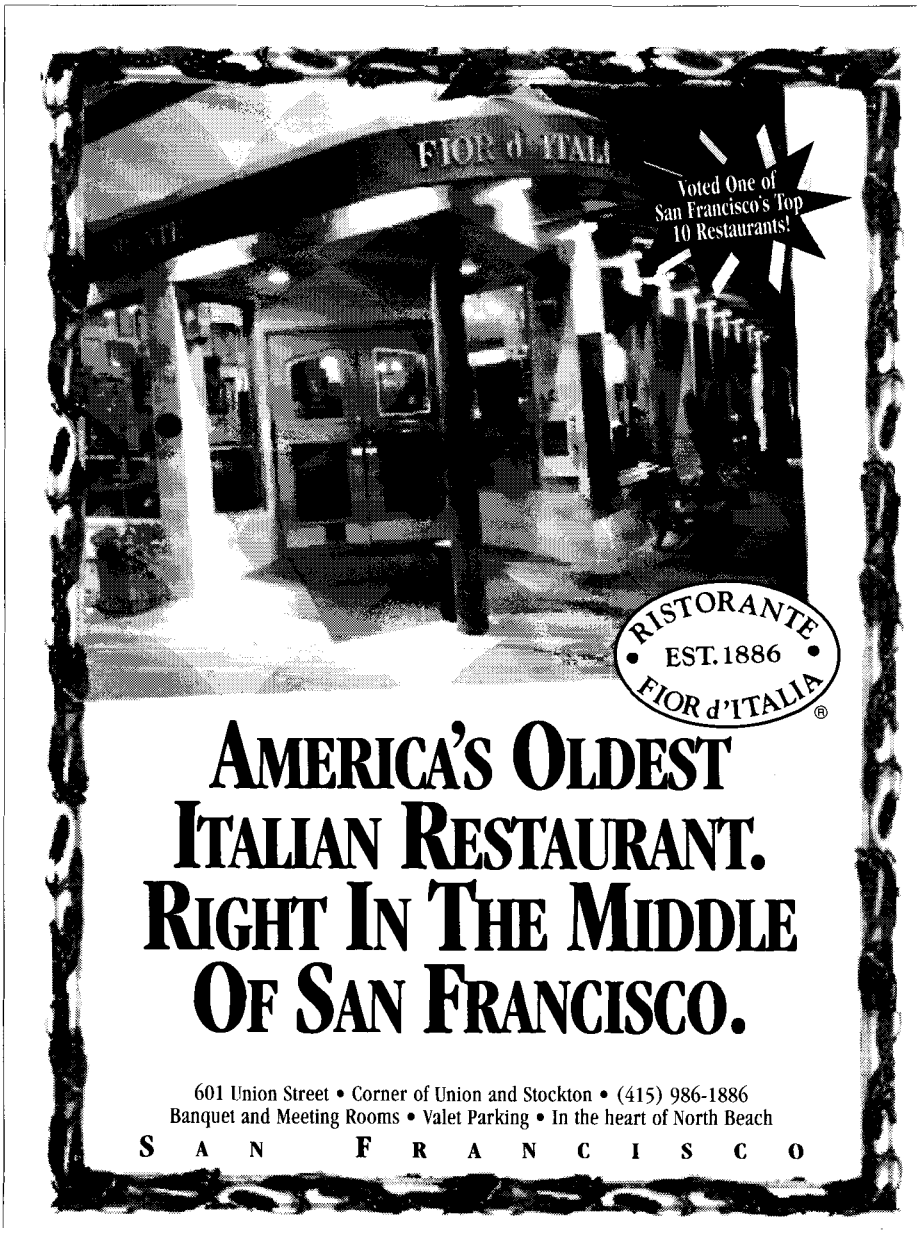
That will probably be about the time that the company is looking for programmers with a different set of skills—which, from the visa-holders' standpoint, is probably not too bad a deal either. Not only do they get to stay in the U.S., but as permanent residents, and in due course citizens, they also get to bring in their families under the provision of existing immigration law that permits family reunification (a/k/a chain migration).

From the standpoint of congressional Republicans, this bill is a way of competing with Bill Clinton for contributors in Silicon Valley and of increasing the level of permanent immigration—an unpopular policy—under the guise of a temporary guest-worker program. Everybody is happy, in short, except American programmers.

And perhaps the American people in general. For the rationale underlying this legislation suggests that a good education and a willingness to be retrained are no longer good career paths because in a global free market American companies will prefer cheap foreigners to expensive Americans. That is a fallacy, of course. Indentured service is not a free market. The software companies pay nothing like the full costs of the skills they import, and accordingly use them wastefully. They get the skills cheap in the first place; they do not contribute even partially through taxes to their programmers' original education; and they pay only a small fraction of the fiscal costs for the housing, education, and welfare benefits of the programmers and their families. In short the bill is a subsidy to Silicon Valley.

One final question: Why does the U.S. need the special HB-1 visa category at all, let alone an increase in it, when current legal immigration is running at almost a million new entrants annually? The answer, as Alan Reynolds of the Hudson Institute pointed out to the House Immigration Subcommittee, is that almost all these immigrants are not admitted on the basis of their skills. Most lack even a high-school diploma, so that America is "recruiting workers for jobs that do not exist or exist only at the lowest wages."

Which points to the solution. Abolish the H1-B visa category, increase instead the number of immigrants admitted under the simple category of skilled immigrants (currently about 100,000 people annually), and pay for this increase by reducing those admitted under the "family reunification" provision by at least the same amount. That would tilt American immigration policy in the direction of greater skills without increasing immigration and its associated social and fiscal costs. It would also allow skilled immigrants, once here, to move without artificial hindrance to those jobs where they were most needed. And it would do this openly and above board. Why is no one advocating it? □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Revenue Neutral

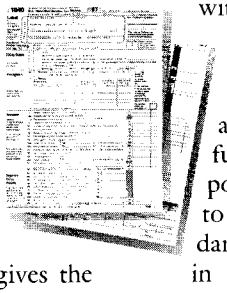
The IRS reform bill will make little difference in the way the hated agency operates.

DANIEL J. PILLA

IN late April, the nation was once again riveted by revelations of misconduct and maltreatment of citizens by the Internal Revenue Service. The second round of Senate Finance Committee hearings served only to buttress the already widely accepted notion that the agency is out of control. The question now is whether Congress will restrain the IRS with meaningful reform legislation. The early returns suggest the answer is no.

The Internal Revenue Restructuring and Reform Act passed by the House last fall and by the Senate in early May purports to restructure the IRS fundamentally and add two dozen "new taxpayers rights" to the law. At the core of the bill are provisions 1) creating a citizens' panel known as the Internal Revenue Service Oversight Board and 2) shifting the burden of proof to the IRS. These are said to be the silver bullets that will end IRS abuse. They are more likely to be blank cartridges.

The Senate bill is marginally tougher than the House version but there are fundamental weaknesses in the whole project. Consider the Oversight Board, the legislation's centerpiece. Among its duties will be reviewing and approving annual and long-term IRS plans, and overseeing the IRS commissioner and the agency's budget.



In other words, the Board will function as a forum for thinking about the overall direction of the IRS. Nothing in the House version of the law gives the Board the authority to prevent or cure specific cases of IRS abuse. In fact, the law contains clear exceptions to the Board's power in that area. The law declares that the Board "shall have no authority" over the IRS's "law enforcement activities," including audits, collection, or criminal investigations—exactly the areas where abuse of individual taxpayers occurs.

A section of the House bill provides that a Board member cannot "seek or gain access" to any tax-return information pertaining to any citizen. That includes information on whether any enforcement action is pending or anticipated and whether any enforcement action is being properly handled. Given this, the proposed Board has no authority to prevent the kind of abuses documented in the Senate hearings.

There is also less than meets the eye in the second major aspect of the bill: shifting the burden of proof from the citizen to the IRS. Such a move would be momentous but there is a hitch.

The bill states: "The Secretary shall have the burden of proof in any court proceeding with respect to any factual issues relevant to ascertaining the income-tax liability of a taxpayer." The problem is that 97 per cent of everything the IRS does involves no "court proceeding." While this provision in the bill may provide a more favorable background for taxpayers in their run-ins with the IRS, it will by no means fundamentally alter the message.

The vast majority of IRS abuse occurs in the collection function, where the IRS uses its powers of lien, levy, and seizure to collect taxes. It rarely has to darken the door of a courtroom in order to use those powers. Only in rare cases is collection subject to judicial scrutiny.

Likewise, the overwhelming majority of audits never go to court. Most penalty assessments do not end up in court. And errant computer notices and their resulting assessments do not end up in court. In short, in the vast majority of cases involving the average citizen, no one goes to court. Therefore, in the vast majority of cases, this burden-of-proof provision will mean nothing.

Even the purported shift of burden has its limits. The burden does not shift unless "the taxpayer asserts a reasonable dispute" with regard to an issue. That is, the IRS shoulders the burden only after a citizen presents a "reasonable" argument showing that the IRS's case is flawed. What constitutes a "reasonable dispute" is undefined and promises to be the subject of endless litigation. Thus, it still falls to the citizen to present initial evidence that the IRS is wrong.

But the intent of the statute is undermined most by the final sentence in the burden-of-proof section: "Nothing in this section shall be construed to override any requirement of this title to substantiate any item." This vitiates any potential shift because in countless places in the tax code, the law places the burden on the citizen to "substantiate" his claim or assertion. This is true with regard to income, deductions, credits, payments, liabilities, penalties, exemptions, return filing, marital status, and so on.

The best approach would be to flatly shift the burden to the IRS in specific cases. For example, the IRS should carry the burden in employee reclassification cases, in Trust Fund Recovery cases, in all penalty assessments, and, most importantly, in all unreported-income cases. But this would cost the agency money, because it would no longer be able to bluff or intimidate citizens into paying taxes they do not owe.

The IRS cannot be tamed with more 'reform' legislation.

It should be clear from the IRS's history that it cannot be tamed with more "reform" legislation. For years, numerous taxpayers'-rights provisions have been added to the code with the intent of stopping abuse and misconduct. The IRS's own internal audit proves that this simply does not work.

The January 13, 1998, report of the agency's Inspection Division shows that the IRS is guilty of systematically violating the Taxpayers' Bill of Rights Act, its own policies and procedures, and other clear legal provisions. Why will the new bill be any different? It is just the latest doomed attempt to stand between your wallet and the maw of the beast. □

Mr. Pilla is a tax-litigation consultant and the author of nine books on self-defense against the IRS. His latest is IRS, Taxes, and the Beast *(Winning Publications, St. Paul, Minn.; 1-800-346-6829).*

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Chinese Delivery

U.S. Corporations and the Clinton Administration are finally working together on something—perfecting Chinese missiles.

BILL GERTZ

ON May 2, a Chinese Long March 2C rocket blasted off into space without a hitch. The booster lofted two U.S. Iridium satellites into space and carefully sent each on its way using state-of-the-art satellite-dispensing technology. The satellites, made by the Motorola Corp., are part of a global constellation that in a couple of years will become a worldwide cellular-telephone network. The technology for Iridium was developed under Ronald Reagan's Strategic Defense Initiative.

So, it seems that the Clinton Administration has finally found a practical application for the Reagan Administration's anti-missile program: improving Communist China's rockets. China's once-unreliable Long March booster was vastly improved with the help of U.S. satellite companies under the Clinton Administration's liberalized export controls. According to the Pentagon, the technology that improved the Long March has also made China's Dong Feng series of strategic nuclear missiles more lethal.

Nothing better illustrates the Clinton Administration's attitude that the business of American foreign policy is first and foremost business than these technology exchanges with China. The story of the American role in improving Chinese rocketry—which has begun to emerge in reports in the *New York Times* and in my own dispatches in the *Washington Times*—features high-flying corporate interests, dubious bureaucratic maneuvering, special treatment for campaign contributors, and, above all else, strategic myopia. No other Clinton scandal will produce fallout as long-lasting or as potentially dangerous as the fallout from this one.

Flash back to February 15, 1996. Another Chinese Long March rocket was not so successful. Less than 30 seconds after it was launched from a pad in southern China the booster exploded along with a $200-million American satellite. A team of scientists from Hughes Electronics Corp. and Loral Space & Communications Ltd.—the owners of the satellite—launched an accident investigation. Their analysis of the problems with the Chinese booster included numerous recommendations on how to avoid such costly mishaps in the future.

Mao by Roman Genn

The team produced a highly technical report identifying an electrical glitch in the flight-guidance system as the cause of the crash. The report also identified other weaknesses in the rocket. The American experts apparently never bothered to check with the State Department to see if the technology they were sharing with the Chinese was embargoed, or whether exporting such dual-use knowhow required an export license. Several months later, they "turned themselves in" to the State Department, according to a U.S. Government official familiar with the incident.

The Pentagon launched an investigation of the matter, and its final report, labeled "secret," came to this stark conclusion: "United States national security has been harmed." How? According to Rep. Dana Rohrabacher (R., Calif.), Chairman of the House Space and Aeronautics Subcommittee, U.S. expertise has "perfected" China's Long March rockets, which are identical in design to Chinese strategic nuclear missiles.

"Engineers from Loral, assisted by engineers from Hughes Electronics, and at the direction of their superiors, charged forward to correct the problems in the Long March," Rohrabacher said in a floor speech on April 30. "It seems what happened was a sterile, coldly calculated decision to fix these problems with no consideration of the national-security implications to the United States." Rohrabacher saw the technology transfer as a betrayal. "Chinese missiles blowing up on launch is a good thing," he says. "We should not be making their missiles better."

How is it that U.S. corporations and a Communist government find themselves sharing a vital interest? Instead of spending hundreds of millions of dollars per launch on U.S. boosters, satellite manufacturers such as Hughes, Loral, Motorola, and Martin–Marietta (the latter two now combined in Lockheed Martin) sought to use Chinese boosters costing just $25 million to $85 million a launch. However, as the tradeoff for being comparatively cheap, the Long March boosters were completely unreliable; three

Mr. Gertz is the defense and national security correspondent for the Washington Times.

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or four of them would fail for every successful launch, resulting in huge insurance costs for American satellite makers.

So the interest of American companies was to get as much technology to their Chinese partners as possible, and they have made a sustained push to do so. Great Wall Industries, which handles all deals for China's space launch services, was sanctioned twice by the U.S. Government in 1991 and 1993 for selling M-11 missiles to Pakistan. The penalties were imposed under U.S. law requiring the imposition of sanctions for violations of the 29-nation Missile Technology Control Regime, which restricts sales of missiles with ranges greater than 186 miles and warheads heavier than 1,100 pounds.

Sensitive technology transfers were banned under some 40 different economic sanctions imposed on China after the 1989 Tiananmen massacre. Beginning in the early 1990s, satellite makers began receiving waivers of the sanctions.

Henry Sokolski, executive director of the Nonproliferation Policy Education Center in Washington, D.C., explains that in 1994 the Pakistan-related sanctions were lifted "in no small part because of U.S. satellite manufacturers' desire to have unfettered access to China launch services."

"Starting in 1993," says Sokolski, "Hughes and other satellite makers who wanted China to launch their payloads made every effort to limit the possibilities of error." This meant sharing "some of America's most sensitive missile technology." Included in the U.S. efforts were discussions with the Chinese Academy of Launch Vehicle Technology on the sufficiency of the altitude-control system on the Long March launcher, examinations of rocket-fuel capabilities, and test firings of a kick motor for the booster's last stage. U.S. companies were also involved in giving China the same technology used to launch MIRVs (multiple, independently targeted re-entry vehicles), hydra-warheads that vastly increase the firepower of nuclear missiles.

There have been many instances of this business-driven foreign-policy obtuseness:

—Rep. Rohrabacher says an aerospace executive from Motorola told him that the company was involved in "upgrading" Chinese space boosters/missiles under a "national-security waiver signed by the President." According to Rohrabacher, Motorola supplied rocket-stage separation technology. And Motorola helped the Chinese learn how to "dispense" satellites into orbit—the MIRV technology.

—According to Sokolski, Martin-Marietta also asked the U.S. Government for permission to exchange information with China on upper-stage control systems, used to separate and ignite the sections. "These same control functions are also critical to China's perfection of an accurate multiple independently targeted re-entry vehicle for its new solid-fuel rocket system," he says. It is not clear whether the technology was approved for export.

—In 1993, according to Sokolski, several U.S. satellite makers asked the Commerce Department if they could share coupling and load-analysis technology. That technology is crucial for assuring that a missile ignites, that its stages separate, and that its engines cut off in ways that will not shatter sensitive satellite payloads. Again, Sokolski says, "This would not only help assure the safe, efficient launching of the most sensitive civilian payloads, but also of complex MIRVed military systems."

And so the Long March has been perfected, or at least its failure rate has plummeted. At what price? According to a report of the Senate subcommittee on proliferation, the kind of space technology China has acquired from the United States is just what is needed to make an intercontinental ballistic missile: stage coupling for extended range, accurate guidance, and system integration. And, as I first reported in the *Washington Times*, the CIA has concluded that 13 of China's 18 long-range strategic missiles have nuclear warheads aimed at American cities. Loral's gain could one day be L.A.'s pain.

Rather than putting the brakes on this transfer of technology, the Clinton Administration has been speeding it along.

Rather than putting the brakes on this transfer of technology, the Clinton Administration has been speeding it along. High-tech executives in Silicon Valley are a key Clinton constituency—and source of funds—and so he has been careful to foster their overseas business. Silicon Valley's defense-related firms don't have the same attitude as old-line defense contractors, who were part of the defense establishment and did business in an atmosphere of Cold War patriotism. The culture of Silicon Valley firms is post–Cold War, and its firms are ready to deal.

They found their match in the Clinton Administration. In 1993, the Administration undertook a major reform of U.S. export controls; by 1995, it had nearly dismantled our national-security safeguards. The first to go was COCOM, the Coordinating Committee for Multilateral Export Controls, a group of Western nations that had successfully limited flows of weapons technology to the West's enemies, especially the Soviet bloc and China. The Clintonites worried that this process gave too much control to the Pentagon, which is always wary of arming our adversaries.

Although the Administration promised to replace COCOM with a new arms-control regime, nothing comparable has been established. The 1996 Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies allows each member nation to determine whether an export may proceed. COCOM required a consensus among the member nations *before* an export could take place; Wassenaar requires only a report after the fact—essentially a perpetual green light for any and all technology exports.

Meanwhile, in a telling move, the Clinton Administration in March 1996 shifted authority over licensing satellites from the State Department to the Commerce Department. Without State involvement, "we're not even informed," complains one staff member of the Senate Foreign Relations Committee. The go-go Commerce Department has been blindly moving ahead with the decontrol of all manner of technologies, from supercomputers to satellites. William Reinsch, the undersecretary of commerce for export administration, bragged in a recent

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speech that satellite-technology transfers were an example of helping U.S. business while protecting national security.

The missile revelations are only part of the indictment of the Clinton Administration's handling of China. The Administration's announced policy of "engagement" seems to have become a perpetual excuse factory, as every negative action taken by the Chinese—selling missiles to Pakistan, missile technology to Iran, and nuclear equipment to both states—is explained away as "inconclusive" or considered solved with the latest hollow Chinese promise not to repeat the offense. Secretary of State Madeleine Albright recently spoke of a new "strategic partnership" with China. But she won few concessions on either weapons transfers or human-rights abuses during her recent visit to China.

Now the White House is scrambling to come up with something for President Clinton and Chinese President Jiang Zemin to do at their June summit meeting in Peking. According to a memorandum written by White House National Security Council staffer Gary Samore, Washington has proposed a "missile deal" to be concluded at the summit. If Peking will agree to join the 29-nation Missile Technology Control Regime, which bars exports of missiles and related technology to non-members, the Administration will issue a "blanket waiver" of Tiananmen-inspired restrictions on space-launch cooperation with China. The Administration also will "speed up consideration of MTCR-controlled exports" to China.

After this memorandum was published in the *Washington Times*, State Department officials denied they have any plan to share missile technology, claiming that only knowhow related to peaceful uses of space will be exchanged. And the Administration always maintains that there are strict safeguards against technology's "leaking" into Chinese military applications. But the Pentagon's assessment of the Hughes/Loral cooperation on the Long March makes clear that valuable missile knowhow has already been shared.

In any case, according to U.S. officials, Peking's response to the U.S. proposal that China join the Missile Technology Control Regime and stop selling dangerous knowhow to Iran and Pakistan was curt: No thanks. So will the summit offer agreements on any real issues? Not likely. Unless, as some critics expect, Washington offers yet more concessions in exchange for yet more hollow promises—a continuation of the pattern of achieving arms-control "progress" by ignoring Chinese misconduct.

Meanwhile, Rep. Rohrabacher met late last month with top House leaders, including Speaker Newt Gingrich and National Security Committee Chairman Floyd Spence, and an investigation has been launched. Hearings could be held in several weeks.

"Nations [that] threaten the security interests of the United States should not be armed by America, nor should America help them arm themselves," according to a recent report by the Senate subcommittee on proliferation. "America's government should be reducing the likelihood that the world's foremost proliferators are engaging in this activity with the assistance of the United States. The fight against proliferation must include self-discipline at our own borders." That would have seemed merely a matter of common sense—until the age of Clinton. □

Chinese Puzzle

PETER W. RODMAN

IN the debate over the United States' China policy, one thing that is seldom mentioned is strategy. The Clinton Administration demonstrates by word and deed its conviction that traditional foreign-policy and national-security concerns can now be subordinated to economic ones—which in practice might include, as Bill Gertz suggests, the imperatives of financing an election campaign. Opponents of this policy, meanwhile, mostly criticize it for ignoring moral issues like democracy and human rights. The moralists and the economists represent significant constituencies, namely religious conservatives and Big Business. The voice of the strategist is lost amid the din.

But ignoring geopolitics is unlikely to help America advance either its morals or its commerce, at least in the long run. And the tensions between the United States and China—over Taiwan, human rights, nuclear proliferation, and other issues—reflect a strategic change: the Soviet threat that bound us together is gone. That is one reason why the Tiananmen Square massacre of 1989 shattered America's pro-China consensus where Mao's much greater bloodshed had not. The ferment that led to that massacre also frightened China's leaders, who now see Western ideals rather than Russia as the main threat to the regime's survival. Indeed, China, emerging as a superpower in its own right and eager to flaunt its "independent" foreign policy, is now making common cause with Russia against American "hegemony."

China is also building up its military. It is starting from a low base, but it is emphasizing naval, air, and missile capabilities that will inevitably impinge on the long-standing U.S. monopoly of power in the Western Pacific—the areas around China's periphery where millions of people have relied on us for their security. China's procurement includes:

—*The most advanced anti-ship missiles.* The SS-N-22 "Sunburn" is a sea-skimming missile that can carry a 660-pound warhead at 2.5 times the speed of sound over 100 miles. It was designed by its Russian manufacturers to attack the modern *Aegis*-class destroyers and cruisers that are the "brain" of American naval power projection.

—*53-65 KE wake-homing torpedoes.* Russia designed these, too, to attack U.S. ships. Our aircraft carriers, while well armored on the deck and sides, are vulnerable on the rear and underside. Torpedoes homing in on the wake are also more difficult to detect than other kinds of torpedoes.

—*More advanced ballistic missiles.* Contrary to President Clinton's repeated assertions that no nuclear missiles are

Mr. Rodman, an NR Senior Editor, is Director of National Security Programs at The Nixon Center for Peace and Freedom, and author of the forthcoming Between Friendship and Rivalry: China and America in the 21st Century, *from which this article is adapted.*

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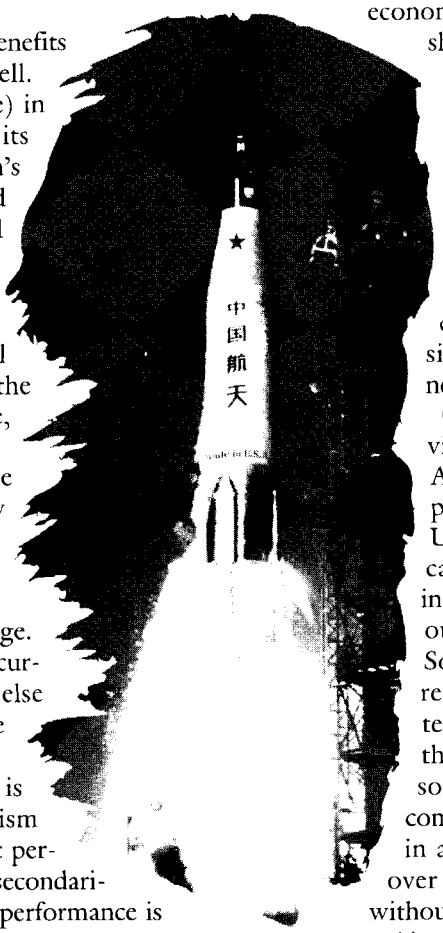
targeted on "American children," the CIA now reports—as Bill Gertz tells us—that 13 out of China's present arsenal of 18 ICBMs are indeed targeted on the United States. (Missiles don't yet distinguish between children and adults.) And China is developing two new generations of ICBMs, both of which will be solid-fueled and the second of which will, when operational in about 2010, carry multiple warheads.

China's foreign policy has also shown a new assertiveness in recent years. In early 1995, the Chinese navy forcibly ejected some Filipino fishermen from a reef in the disputed (and oil-rich) Spratly Island archipelago. As Taiwan's voters participated in that country's first fully democratic presidential elections in March 1996, China tried to scare them off from any thoughts of independence by conducting live-fire missile exercises, provoking a mini-crisis in the Taiwan Strait. President Clinton dithered, then sent two aircraft-carrier task forces to the scene.

Lately, China has been on better behavior. It stresses negotiations over both Taiwan and the territorial disputes in the South China Sea. For China has paid a price for the earlier episodes—reinforcing the U.S.–Japan defense alliance, for example, and prompting the U.S. Congress into a ringing (and near-unanimous) reaffirmation of the Taiwan Relations Act.

It has also managed to extract some benefits from the Asian financial crisis as well. China has won goodwill (and influence) in the region by pledging not to devalue its currency and by dispensing aid. China's $200-million export credit facility and $3 million in medicine and food aid offered to its traditional rival, Indonesia, for example, won plaudits—and did not inflict upon the recipient the pain associated with International Monetary Fund bailouts, with which the United States is, for better or worse, closely identified. China's largesse also undercuts Japan, which, while clearly the region's most advanced economy, is now a wreck. China is making a quiet bid for regional political, if not economic, leadership.



The U.S. has not yet faced this challenge. What has mitigated the challenge is not current U.S. policy, but something else Americans have also largely ignored: the Chinese regime's Achilles' heel: its own internal contradictions. The regime is struggling for legitimacy. With Marxism discredited, it has relied on its economic performance as its main claim to rule (and secondarily on a nationalist foreign policy). That performance is now flagging.

Between 1979 and 1996, under Deng Xiaoping's reforms, China's growth averaged an extraordinary 10 per cent a year—cumulatively, a fourfold increase. Its GDP (measured by purchasing power) is more than $4 trillion, second only to ours. But the Asian financial crisis and some home-grown problems—rising unemployment, bankrupt state-owned enterprises, a near-bankrupt banking system—are leading some outside observers to predict an abrupt slowdown to only 5 per cent growth this year. The resulting social and political tensions could be considerable.

The new premier, Zhu Rongji, is widely respected as a reformer who knows China's economy and understands the need to accelerate its long march to a free market. He also has a reputation as a political moderate. Already, political reform—democratization—has become the hot topic among Chinese intellectuals, who feel they now are in a position to test the limits of political discussion.

A conference was held in Peking this February to discuss Friedrich Hayek's *The Constitution of Liberty*—one of the most devastating critiques ever written of socialism as a form of tyranny. The conference concluded, as one of the organizers told the *Far Eastern Economic Review*, that "the things Hayek talked about are exactly what China is going through now." A Chinese translation of the book—banned in China since it first appeared in 1960—was published in January.

Zhu Rongji may not have intended any of this. It is not clear what is permitted in today's China and what is not—a formula for political instability, especially with a sagging economy. Tocqueville taught us that a dictatorship is most vulnerable not when it is at its most repressive, but when it seems to be easing its grip.

So, advanced ballistic missiles and a conference on Hayek: this is the paradox of today's China. The paradox of our China policy is that it seems oblivious to all the foregoing.

Something is askew in a foreign-policy debate where the moral problem is passionately stressed, the strategic problem neglected.

Congress condemns Chinese human-rights violations and is attempting to push the Administration into a more confrontational posture—and at the same time it lets the U.S. defense budget shrink. Thus Americans pursue the ambitious aim of forcing internal change in China while the sinews of our influence in the region are neglected. Some of our military experts complacently reassure themselves and us that China is technologically a generation or two behind the United States. In fact, China much sooner than that will be in a position to complicate an American President's decisions in a crisis. Meanwhile, the American debate over human-rights abuses in China proceeds without reference to the political ferment that is now taking place.

The regime may well be doomed—not because of congressional resolutions but because of an internal evolution. China's own political and economic system—the preoccupation of much of our debate—turns out to be China's greatest vulnerability. □

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VICEPRESIDENT@WHITEHOUSE. GOV

May 10, 1998

To: Bibi@aol.com
From: vicepresident@whitehouse.gov
Subj: Please come to Washington!
Hey Bibi: Look, I know what Hillary said on TV the other day upset you—heck, it would certainly upset me. But I can't see how it should mean that the peace process needs to grind to a halt.

I'm sending this via e-mail for two reasons. One, because the Internet is the most powerful communications tool ever invented; and two, because I wanted to get right to you, without the middlemen, and this is the best way to do that.

Look, I know that we've got this whole "thing" going on about a Palestinian state, etc., etc. But please remember: that was Hillary talking, not me. And if she's so powerful, how come she keeps getting subpoenaed? (That was a little joke.)

You know, Tipper said something to me the other day as she and I were preparing the spare room for you and Mrs. . . . well, for you and whoever you're bringing. (Remember: we don't judge!!)

She said, "Al, it'd be a real shame for us if Bibi didn't come," which in Tipper-speak means she misses you! And it would be a terrifically healing gesture if American Jews saw you at my house getting ready for the big peace talks. So think about it, okay, bubbelah?

Al

To: vicepresident@whitehouse.gov
From: Bibi@aol.com
Subj: RE: Please come to Washington!
Mr. Vice President: It is no small matter to suggest, on a world stage, that the terrorists who have been attacking your country for 50 years be given a sovereign land from which to do it.

Enjoy trying to raise money from your usual sources next fall.

Bibi

To: Bibi@aol.com
From: vicepresident@whitehouse.gov
Subj: RE: RE: Please come to Washington!
Bibi: You know, we're all trying here to build a bridge to the 21st century. It takes a lot to build that bridge. It takes engineers. It takes construction guys. It takes money.

C'mon, Bibi! Come to Washington! Tipper's making hummus and that flat bread you guys like . . . Yum yum!!

Al

To: vicepresident@whitehouse.gov
From: Bibi@aol.com
cc: yarafat@aol.com
Subj: Why I am not coming to Washington
Sirs: To come to Washington to be told that my implacable foe should be granted a sovereign country leaves me less than excited about packing my nice suit. You may have a million discussions without me. No doubt, you already have. At least it seems that way, from the remarkable similarities of your views.

Bibi

To: bibi@aol.com
From: vicepresident@whitehouse.gov
Subj: One last time
Bibi: I'm going to be totally frank with you. I know that you and I haven't always been allies. Okay, never.

And I know that we sort of campaigned hard for your opponent, mostly because we thought you'd be obstructionist during the peace process, and let's be honest here, Bibi, you do have a habit of flying off the handle at the least little thing, like Hillary and her Palestinian-state comment. Listen, I come from some pretty rich ethnic stock myself, so I "know from" being highly emotional. I understand where you're coming from.

But we're very close to achieving something great and lasting here. And if we could somehow do that and get a peace agreement signed, then my first term as President will be smooth sailing!

Don't do this for me, my friend. Do it for the kids. For the future. Put aside your pride, be a mensch, come to Washington, we'll sit, we'll talk, we'll nosh, we'll sign some papers and do a mitzvah.

Al

To: vicepresident@whitehouse.gov
From: Bibi@aol.com
Subj: RE: One last time
Sir: I'm not sure which is more insulting: your desperate need to get me to Washington to shore up your Jewish constituency, or your irritating use of Yiddish.

You people have gone behind my back, undermined me, publicly criticized me, and now you want me to come to Washington and play nice? I am not a schlemiel. But you, sir, are a schmuck.

Bibi

37.9% Page 1

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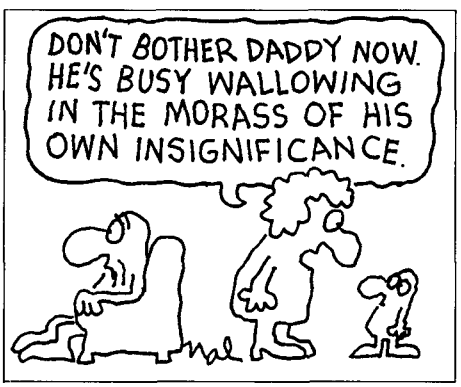
help!!!!



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"Your wife is on lines one, two, three, and four."

The Trouble with Armey

His heart's true-blue conservative;
His instincts can't be faulted,
But freshmen take a rain check when
Invited for a malted,
And on a Sunday talk show he's
As lovable as last year's freeze.

—W. H. VON DREELE

"I always dreamed of owning a house with a white picket fence. Of course, I never thought I'd have to electrify it."

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I DON'T CARE IF YOU DID TAKE THE HAIR DRUG AND THE IMPOTENCE PILL... TO ME YOU'RE STILL AN 86 YEAR OLD BALDY.
AKRON BEACON JOURNAL ©98

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BOOKS, ARTS & MANNERS

Onward & Upward—but Why?

JOHN KEEGAN

THIS book, as the author frequently reminds us, is the third of a trilogy, dedicated to discussing the importance of cultural transfer in the making of the world as it is today. The earlier volumes discussed race and migration. This final one discusses conquest as a means of cultural transmission.

It would be easier to understand the author's point if the arguments of his previous works were fully and clearly set out. As it is, one has to pick up the thread from allusion and fairly peremptory summary. It seems that Mr. Sowell lacks patience with those scholars who deny the idea of cultural diffusion. Such scholars refuse to accept that there were centers of excellence, from which leading ideas, technologies, and techniques were carried to other regions that did not possess them. They prefer to believe that intellectual and material revolutions arose independently at a number of centers. "Backwardness," by this philosophy of development, was the result of oppression by more aggressive neighbors, who practiced either material or intellectual theft. "Forwardness," reciprocally, should be seen not as an index of racial or cultural superiority but as a function of force or fraud—force in robbing wealth-producers of their product, fraud in representing others' ideas as one's own.

Conquest and Culture: An International History, by Thomas Sowell (Basic, 512 pp., $35)

The attack on the theory of cultural diffusion is politically correct in motivation, for the theory is very much a nineteenth-century European creed, and a triumphalist one. Its critics take as their starting point the undeniable fact that some civilizations have had flowerings that subsequently petered out. That of the Chinese is the most notable. China was the first very large cultural zone, as large in the last millennium B.C. as it is today, and much larger than any other with claims to equal its political or intellectual level of advancement—Rome, say, or Persia. From that high point, over the next two millennia, China declined relatively. By the nineteenth century it had fallen into economic and intellectual poverty. The politically correct explanation of its fall blames outsiders, particularly Europeans, who are accused of subverting its system of government, despoiling its trade, and trivializing its intellectual and artistic contributions to world culture.

Roman Genn

A similarly politically correct theory explains the decline of Islamic civilization. In the eighth century after Christ, the Islamic caliphate was China's only competitor as a world power and easily outstripped Christian Europe as a source of invention and ideas. Then it lost its dynamism. Arabs ceased to be thinkers, mathematicians, traders, and travelers and became smokers of the hookah. Europe is again to blame. Its armored knights, inflamed by the idea of the Crusade, forced Islam to waste its strength in defending Spain and the Holy Land, until it lost the capacity to resist real barbarians from the steppe, Turks and Mongols.

One has considerable sympathy with Mr. Sowell's impatience with these crude theories. Crude they are. China's troubles had their origins not in the penetration of its seaboard by European mariners but in invasions from the steppe. Its traditional means of dealing with the problem—Sinifying the conquerors—worked well for hundreds of years. Some of the most dynamic dynasties were originally outsiders. What eventually undid China was conquest by barbarians, the Manchu, who not only resisted Sinification but banned all cultural adaptation. Their policy of "no change" froze Chinese civilization in a pre-Renaissance, pre-industrial state, from which it has perhaps only just now begun to emerge. The fossilization of Arab civilization, equally, was the fault of the Ottoman Turks, not the Europeans, though also of the apparently incurable tendency of the Arabs to waste their energies in theological dispute, into which all other forms of differences are resolved.

The author is principally concerned to show that the reason for the relative advancement of one civilization over another has to do with specific and local factors, rather than any conspiracy by white Europeans to push other races down. He accepts that Europe did come to dominate the world, to such an extent that, in the early twentieth century, most of the globe was either ruled by European states or occupied by European peoples who had escaped

Mr. Keegan is the author of A History of Warfare *and* Fields of Battle: The Wars for North America *(both from Vintage), among many other books.*

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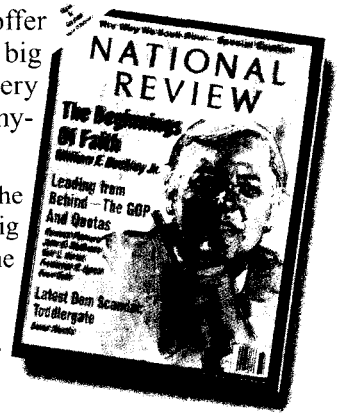

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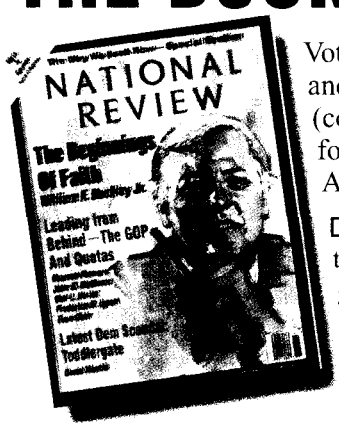

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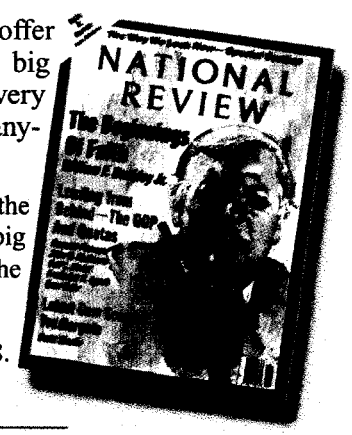

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colonial rule. He sees no conspiracy in that at all. What happened, he suggests, was that the undeniable phenomenon of cultural diffusion worked better in the case of some peoples than of others.

The British, for example, were not in on the beginning of civilization. Before the coming of the Romans, they were the backward inhabitants of an island at the fringe of the world. After the departure of the Romans they again lapsed into backwardness, a condition imposed on them by Teutonic sea-raiders and settlers from beyond the borders of the Roman empire. Enough of Rome, however, persisted to make Anglo-Saxon England a centralized state, and it survived as one, under Norman rule, when the rest of Europe lost central government. England's rulers profited from the island's geographical inheritance—its position athwart the northern European sea routes and points of departure to the wider world—to win commercial and then imperial benefit in regions far distant from its shores. At the same time, it developed the legacy of Roman civilization—administrative efficiency, legal probity, scholarly acumen—into a system that offered services to its continental neighbors. The English became ruthless at seizing whatever was not actually defended against their maritime predators. They also became sinuous middlemen, fixers of deals in far distant trading centers, dependable providers of credit, and trustworthy bankers and brokers.

Geography and culture go together. That seems to be Thomas Sowell's point. It is no good being the possessors of rich natural resources, as the Slavs were, if there is no means of moving the extracted product to a market. It is no good being muscular and hard-working, as Africans are, if the climate nullifies one's efforts. It is no good being ferociously brave and warlike, as the Plains Indians were, if the environment denies one any means to refine one's military technology. What is needed for success is some combination of favorable environment and access to the wider world in a two-way flow—inward to bring in novel ideas and techniques, outward to facilitate exchange of goods on a basis profitable to both sides.

This is a thesis with which it is difficult to disagree. What remains outside the author's system of explanation is why, when material factors seem to balance out, as they do in any estimation of the relative economic and industrial success of France and Britain in the eighteenth and nineteenth centuries, one achieves dominance and the other does not. Britain was, in 1870, undeniably the most important country in the world. Its industrial output had not yet been overtaken by that of the United States, its navy was equal in size to the next six put together, its empire was the largest the world had ever seen, its prestige was stupendous.

Yet its land area was half that of France and its population no more than equal while, in cultural terms, France still dominated the globe. French was still the international language and French ideas were paramount. How had Britain, after a century and a half of struggle for primacy, outstripped France in material terms?

It is at this point that one begins to doubt whether Thomas Sowell's pains-

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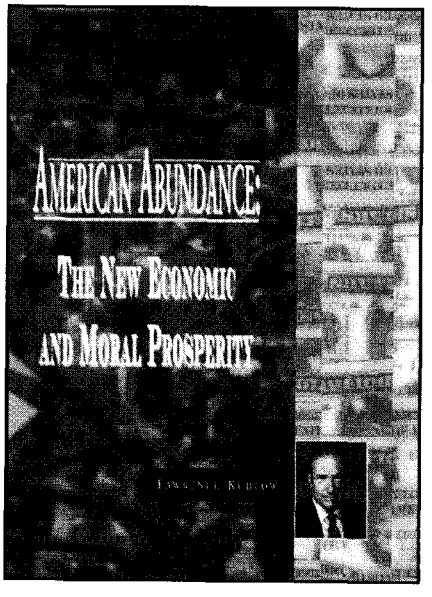

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taking geographical and economic analysis really provides answers to the questions he raises. Political correctness supplies a deeply boring and unproductive approach to the problem of why some peoples are more advanced than others. The theory of cultural diffusion, anathema as it is to the politically correct, is the obvious explanation, and military conquest must be recognized as one of its means. Why, however, some centers of culture were more successful than others still remains mysterious. Anyone who had sensibly laid out money at the beginning of the eighteenth century on whether France or Britain would become Europe's leading imperial power would have bet on France. His money would have been lost. Can Mr. Sowell explain that away? □

Nice Jewish Girl

FLORENCE KING

ELIZABETH Wurtzel is a good girl who wants to go bad. In a way she already has; her first book, *Prozac Nation*, was an addiction memoir about her misadventures as a souped-up depressive, but hers was a passive kind of badness that involved letting trouble happen to her instead of actively causing it—i.e., nice badness.

Bitch: In Praise of Difficult Women, by Elizabeth Wurtzel (Doubleday, 432 pp., $32.95)

Deciding that female assertiveness is the only way to go, she pulled herself together and vowed to be "one of the women who write their own operating manuals," only to discover that legions of feminist-fatigued women are reading *The Rules* to bone up on passivity. That did it. Now she's mad as hell and she's not going to take it any more, so she has gone whole hog and written an operating manual called . . . well, *Bitch*.

The trouble with women, she believes, is that we never go whole hog, but persist in our self-defeating struggle to combine female sexual power with niceness. In the Fifties we drenched ourselves in "Tabu" and "My Sin" and made nice. In the Nineties perfumes are named "Opium" and "Poison" but we're still making nice. Seeing a woman wearing today's black lipstick and nail polish, you'd expect to find her exsanguinating men; instead you find her in the self-help section of the bookstore looking for the latest volume on how to make your relationship work. It's no coincidence that the coping genre is marketed exclusively to women; "Men don't need relationship books because women will learn to behave," says Miss Wurtzel. "If we're from Venus and they're from Mars, we'll learn to speak Martian. We'll be good."

What keeps women toeing the line is fear of being called a bitch, which the author defines as "anyone who decides that what she wants and needs and believes and must do is more important than being nice." Society now permits a woman to have a career and a sex life but "as soon as she lays down the option of my way or the highway, it's amazing how quickly everyone finds her difficult, crazy, a nightmare: a bitch."

The epithet—or accolade—is so easy to come by that even humanitarians can qualify. "Anytime a woman projects an intense personality, she is *somebody's* idea of a bitch," though not necessarily Miss Wurtzel's. She maintains that a bona-fide bitch must also be sexy, which lets out the intense Eleanor Roosevelt (true: bitch is the one thing I never heard her called) as well as the pseudo-intense Janet Reno and Donna Shalala, who are ponderous and meddlesome, respectively. As long as Clinton's Cabinet contains women like these, she says, "then as far as I'm concerned it's still half-empty."

Wearers of the Scarlet B run the gamut from Madonna and Courtney Love to "icy young blondes of the Grand Old Party" such as Laura Ingraham. Their common ancestress is Delilah, "the first woman to be blamed simply for being sexy" and the most interestingly presented woman in this book. Miss Wurtzel, educated at an Orthodox Jewish high school, really knows the Old Testament. Legend holds that Delilah was a prostitute hired to frame Samson, but "the Bible is fast to identify women who ply their wares in the sex trade," and Delilah is not so identified. Moreover, she is introduced with the words, "Her name was Delilah," instead of "Delilah was her name," the former being the Hebraic structure that indicates a respectable person.

Comparing them to a modern-day Israeli–Palestinian couple, the author believes Samson and Delilah were married and that she was fed up with trying to make their relationship work. "She was in love with a deadly weapon and got tired of competing with his solo *intifaddeh*." Jealous of his outlet for rage while she could only worry and seethe, she turned him over to the Philistines to end the tension and exchange passivity for power: "She destroyed him to create herself," and posterity, unable to tolerate such ruthless autonomy in a woman, punished her by making her a symbol of female evil.

Miss Wurtzel is a good girl who wants to go bad. In a way she already has.

Miss Wurtzel is devastating on the First Lady. "Hillary Clinton truly did choose marriage *über alles*. That she has come to stand for hardheaded, hardhat feminism is just ridiculous" in view of the fact that "she's just some guy's loudmouthed wife." She's "like a parent living through a child . . . a power sneak-binger . . . a female eunuch—possibly in Hillary's case, even minding the harem." What makes people think of her as a bitch "is not that she's a nontraditional First Lady, but that she's so utterly traditional"—yet steely. In sum, her bitchiness consists of one thing: "She has the smugness of the one he comes home to."

As for Just My Bill, Miss Wurtzel socks him with the two best lines in the book:

"Clinton . . . has made being full of s— not just a mere peccadillo, but in fact the greater part of his personality."

"At the moment we live in a mea culpa hell. Any idiot can say I'm sorry, but it takes a real mensch to say I'm not sorry, or better still, to just shut up."

The last thing the world needed was one more word on Sylvia Plath and

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Zelda Fitzgerald, but Miss Wurtzel supplies about 25,000. Brilliant and funny, she is also the most undisciplined writer since Thomas Wolfe, more exhausting even than Camille Paglia, a diamond in the rough who frequently stops writing and simply talks on paper:

> Now, me, I'm not a femme fatale. Like Delilah I think I just care too much, I fall in love and I get stupid as bubble bath. Or perhaps my emotional involvement is just overdetermined: I get obsessed and overwrought about whatever man comes along because I don't know what to do with myself, with the excess of self I drag around like a hundred and twenty pounds of dead weight. Whether the emotion is true or truly wished for, anytime anything resembling love comes my way, it makes a fool of me.

Churning out landslides of prose leads her into serious errors, like "balling out" for "bawling out" and her claim that Mary Queen of Scots was not beheaded. She is prone to non-stop sentences—the longest one in the book weighs in at 124 words—and garrulous asides in parentheses: "(Chaplin's second wife, whom he wed when she was fifteen and knocked up, was actually named Lilita, a fact not unknown to Nabokov, whose literary legacy was just a vowel away; by the time Chaplin married his last wife, Oona O'Neill, he was 54 and the bride was his oldest yet—at seventeen.)"

She also plunks a 245-word parenthetical disquisition on O.J.'s poor spelling in the middle of her Nicole-as-bitch analysis; asks five or six rhetorical questions in a row (a device of women writers who are still afraid of "unfeminine" declarative sentences); double-emphasizes her opinions with "Look," and "See," and "I mean"; and sums up an obvious line of argument by writing "Blah, blah, blah." She indulges in the Bijou syndrome, dragging us through one movie synopsis after another to illustrate her point; and the Tin Pan Alley syndrome, quoting miles and miles of rock lyrics that mean nothing to anyone over thirty unless you happen to work in ASCAP's permissions department, in which case you're still counting up what she owes.

But her worst excess comes at the very end of her tightly printed 432-page opus. In an Acknowledgments section worthy of a modest work on the War of the Spanish Succession, she thanks 58 people and the staffs of three hotels. What kind of bitch would do that? ☐

Apocalypse Now

JAMES GARDNER

ROBERT Stone is surprisingly intelligent for a novelist. And what, the reader will ask, is *that* supposed to mean? In general, we expect our novelists to feel things rather than to know them. In practice, however, aside from those who endorse the hokey notion that you must write only about your own experiences, authors who evolve beyond the coming-of-age first novel must acquire new and special information about each subject to which they turn their attention. And yet most of these, even the best, are clearly faking it. When this is not the case, they tend to fall into the opposing trap of sound-

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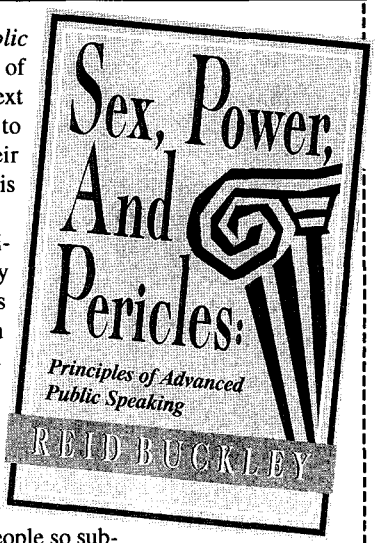

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ing like professors posing as novelists, because the knowledge they present, though extensive, has been imperfectly assimilated into fiction.

In *Damascus Gate*, by contrast, Stone reveals himself to be both learned and shrewd. Whether his subject is the syncretic kabbalism of Pico della Mirandola, the music of Fats Waller, or cigarette consumption in an Israeli bar, he always gets it right, knowing just enough more than his reader to have something worth telling him, but incorporating this knowledge so seamlessly into the fabric of his work that it is never irksome. He has a very sharp eye, not so much for visual or psychological detail as for social mores. He is not a poet or a psychologist, but a journalist, an upscale, intellectualized Tom Wolfe. He does not expand the perceptions of his age, as Don DeLillo presumes to do: he is content to observe the world with the rest of us, only with greater vigor and justice.

Damascus Gate, by Robert Stone (Houghton Mifflin, 500 pp., $26)

Like Stone himself, Chris Lucas, the half-Jewish, half-Christian protagonist of *Damascus Gate*, is a journalist and an observer who is only half-heartedly sucked into the feverish action generated by everyone around him. He is the stillness in the eye of the religious whirlwind that is the real force of the book, the messianic movement around Adam De Kuff and the attempt by Raziel Melker to blow up the Temple Mount. Lucas is the by-now standard figure of the blocked writer in mid-life crisis. Having come to Jerusalem vaguely to write an article for a tony American magazine, he shifts gears to write a book about religion.

But out of his centrality emerges the first and potentially largest flaw of the novel. Though Lucas is fairly well fleshed out as a character, embodying the sorts of "issues" that people in novels nowadays tend to embody, he is a little too pallid to loom so large. It is the convention of classical drama for the protagonist to occupy a position of extremity and for the minor characters to council caution and good sense. Nineteenth-century literature reverses this with the figure of the "superfluous man." Mr. Stone's novel falls somewhere in the middle and suffers for it.

His characters are convincing without being especially compelling. In a general way, Stone seems, like so many other novelists today, to be almost afraid of his creations. He refuses to instill them with a real and vigorous sense of life. He will provide them with attributes as needed, but they never take off as living things magically independent of their creator. Stone is too good at his job to make them anything other than clever and complicated and cute. But that real sense of character, that power of great literary art to conjure living souls, like golems, out of mere words, to create souls that survive after the book has been finished and shut, is not so much beyond Stone's abilities as beyond his ambitions. Whereas he sees his characters as eccentrics pretending to be stereotypes, they turn out in the end to be stereotypes posing as eccentrics, highly burnished and cannily rendered, and allowed the occasional length of leash. But they are stereotypes all the same: Sonia, the leftist sympathizer; Melker, the fanatical Jew for Jesus; De Kuff, who is or is not the reborn Messiah.

FROM the perspective of literature, in fact, there is something almost refreshingly unambitious about *Damascus Gate*. Among the heavy hitters of contemporary American fiction, Stone is perhaps the least taxing to read. There is absolutely no experimentation here: no second-person-singular narration, no present tense for past, none of the incontinent prolixity that requires Thomas Pynchon and Don DeLillo, as a point of intellectual honor, to flirt with a thousand pages. Eschewing the breathy faux-numinous tone of much contemporary fiction, Stone recalls, in a pared-down way, the Sixties journalism of Norman Mailer.

Furthermore, despite their well-crafted eccentricities, Mr. Stone's characters have easily graspable identities that unfold at the appropriate pace. Indeed, there is, formally at least, a peculiar conservatism to *Damascus Gate*. It has the immediate readability of Saul Bellow or Philip Roth. One might criticize Stone for relying more on dialogue than on narrative and for being sluggish about bringing together the disparate strands of his novel in the first third of the book. But soon the novel takes off with the attempted bombing of the Temple Mount, and all is brought to a satisfying conclusion.

The real ambitions of *Damascus Gate* are of a spiritual order. Terms like "New Age," "millennial," and "post-modern" appear in the flap copy, in the ads, and, therefore, in most of the reviews. Like Durrell's Alexandria and Dostoyevsky's St. Petersburg, Stone's Jerusalem is as much a character in the novel as are the creatures of flesh and blood. Chris Lucas is writing a book about something called the "Jerusalem Syndrome," the tendency of even nonreligious types like Lucas himself to be irresistibly drawn to religion once they enter the walls of the ancient city. We are encouraged to believe that Jerusalem is the center of the universe. Though one of the oldest cities in the world, in Stone's estimation it emerges, both through its cosmopolitan mix of cultures and creeds and through its lethal blurring of pre-modern conflicts and post-modern weaponry, as the hippest place on the planet.

Like so many other novelists today, Robert Stone seems almost afraid of his creations.

Certain reviewers have taken issue with Stone for not appreciating sufficiently the difference between Palestinian terrorists and Israeli border guards. In fact, *Damascus Gate* is characterized less by moral equivalence than by enthusiastic embrace of a luminous spiritualism, a higher, deeper calm and well-being that transcends such petty conflicts. *Damascus Gate*, whose very title is suggestive of Pauline revelation, seems to suggest that human civilization is on the brink of some nuclear or environmental Armageddon, and that the associated tribulations will have about them the cleansing effects of purgatorial fire. One day all this millenarian talk may well condemn *Damascus Gate* to the ranks of a period piece: the way people used to talk in the 1990s. For the time being, however, it offers the reader an often compelling and rewarding experience. □

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Liberalism's Guilty Conscience

DANIEL E. TROY

EDWARD Lazarus is a liberal, pro-choice lawyer who clerked for former Supreme Court Justice Harry Blackmun, the author of the opinion in *Roe* v. *Wade*. Yet not only is his book a generally fair and well-written explanation of how the Court came to be riven by partisan politics; it also confirms, often despite itself, conservatives' charge that the Warren and Burger Courts politicized the legal process by seeking "social justice" at the expense of the rule of law.

Closed Chambers: The First Eyewitness Account of the Epic Struggles inside the Supreme Court, by Edward Lazarus (Times, 528 pp., $27.50)

Justice William Brennan played a central role in the Court's devolution, and Lazarus's critique of him is, if anything, more pointed (and delicious) than those of most conservatives: "True to his mantra of 'five votes can do anything around here,' whenever possible—as in *Roe*—Brennan goaded the Court in spasmodic leaps toward his vision of the Constitution as an ever-expanding charter for achieving social justice." But by 1988, Lazarus says, Brennan was "an often bitter and unyielding partisan," "increasingly isolated and frustrated." Lazarus tells of one employment-discrimination case where Brennan, knowing that his side of the case was going to lose, tried to control the damage by switching to the other side on specious technical grounds and offering a narrow ruling.

As Lazarus summarizes, Brennan had

> predicated an opinion on a legal theory in which he did not believe, based on a reading of the case's history to which he did not subscribe, to reach a result with which he did not agree. And the higher purpose Brennan was advancing was not some institutional need for cohesion or regard for continuity in the law but simply that his own view of the law should prevail.

This, concludes Lazarus, "was not statecraft; it was subterfuge and more closely resembled the arcane maneuverings of some clever parliamentarian than the deliberations of a judge." A better description of Justice Brennan's approach to the law is scarcely imaginable.

Lazarus also paints, albeit unintentionally, a devastating picture of his former boss. Blackmun had that craven need for media approval that, as Lazarus reports, conservatives have "come to call the Greenhouse Effect, after the *New York Times*'s left-leaning Supreme Court correspondent, Linda Greenhouse." He describes a particularly divisive death-penalty case in which Blackmun voted against a stay of execution, drawing criticism from the *Times* of his "unexplained, allegedly inconsistent vote." Lazarus then reports that "Blackmun, with the *Times* article on his desk, told his clerks that he had changed his mind."

Lazarus paints, albeit unintentionally, a devastating picture of his former boss, Justice Harry Blackmun.

Lazarus is the first to focus on the specific role these death-penalty decisions played in dividing the Supreme Court into warring factions. While he seems to share the abolitionists' goal, he disapproves of their methods:

> Brennan and Marshall did not pretend that their abolitionist position could be squared with the Court's precedents. Instead, they self-righteously excused themselves from following *stare decisis*—the principle of acceding to past decisions. . . . their acid stream of abolitionist dissents ensured that the issue of capital punishment continually ate away at the connective tissue of the Court community.

But it was the battle over abortion, as Lazarus recognizes, that did the most to

Mr. Troy is an attorney in Washington, D.C., and an associate scholar at the American Enterprise Institute.

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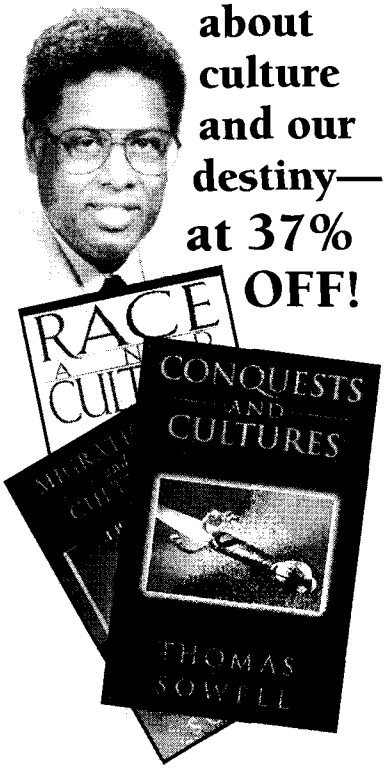

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politicize the law and the Supreme Court. He amply illustrates the extent to which *Roe* v. *Wade* helped bring about the Court's decline. The decision was based on the wrong theory, he writes, describing the Justices as having been "swept away on the current of their own good intentions." Lazarus also usefully concedes that "*Roe* played a significant role in creating the mass movement of social conservatism and remains its motivating symbol: the embodiment of our cultural degradation and a legal charter for what some believe to be the mass murder of innocent unborn children." With *Roe*, the Supreme Court made itself the object of intense political passions.

Those passions exploded when the Senate took up the nomination of Robert Bork. While Lazarus makes clear that he thought Bork should have been rejected, his analysis of the fight seems insightful and honest to this reviewer, a former law clerk for Bork. Bork was derided as "outside the mainstream" for criticizing the doctrine of "substantive due process" under which *Roe* was decided. But Lazarus acknowledges that "a large collection of constitutional scholars share Bork's antipathy for substantive due process," and that the doctrine "has been the basis for the Court's most extensive and least defensible forays into policy-making, both liberal and conservative."

The author's final verdict on the effect of Bork's rejection is worth quoting in full:

> [W]ith their poll numbers and constituencies firmly in mind, the Senate Democrats not only embraced the right to privacy but enshrined it as a litmus test for confirmation to the Court. In so subordinating constitutional interpretation to the demands of a single suspect doctrine, they invited precisely the charge they leveled against Bork and his supporters: that they had no regard for the integrity of the law or of the Court but wanted only their political point of view to prevail. Reducing the hearings to a referendum on reproductive rights may have been good liberal strategy, but it pushed the Court even deeper into the quicksand of partisan politics.

Other parts of the book are more predictable. Conservative clerks who seek to influence their Justices are derided as part of a sinister cabal, while liberal clerks convince their bosses through the sheer force of their arguments. In general, Lazarus overstates the effect of clerks on the outcome of cases. His accounts of events in which he participated is often melodramatic.

The book's value is in its candor. We may not yet have restitution for the Supreme Court's crimes against the rule of law, but Edward Lazarus has at least given voice to liberalism's guilty conscience. □

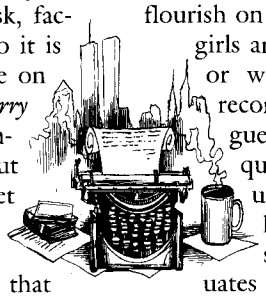
CITY DESK

The View from Johnny Lats

RICHARD BROOKHISER

SEVENTEENTH Street between Broadway and Fifth Avenue is coming up in the world, slowly. (At that latitude, Broadway is not "Broadway," nor is Fifth Avenue "Fifth Avenue.") An African art store brought a windowful of juju. Upscale takeouts have joined the check-cashing places and cheap perfume stores. And Johnny Lats Gym has new owners.

Johnny Lats was named after its founder, who competed as a bodybuilder under that name. I never saw his lats, since he worked in a shapeless grey sweatshirt (Johnny Lats observes Casual Monday through Sunday). In time Johnny and his lats went the way of all flesh, but the new management kept his name and the general air of a prison yard. In a burst of glitz and high-tech, they hung a TV over the desk, facing the aerobic equipment. So it is that I was ahead of the curve on America's No. 1 show, *Jerry Springer*. Jerry, like Oprah Winfrey, comes out of Chicago, but I think of him as a 17th Street experience.



A word about the audience. Murray Kempton once wrote that the only truly integrated group he ever saw in the world capital of liberalism was a Brooklyn association of small landlords, thanks to its high quotient of rapacious West Indians. The ruling passion at Johnny Lats is not rapacity, but definition, which also knows no color bar. There is also a near balance of straight and gay, which is even trickier to maintain in a gym. People must be too busy bulking up to hook up. The only relevant hormones within these grey walls are those that produce muscle mass. Jerry likes to say he is a diverse fellow, reaching the speechless of all hues and gender-shadings. He has them at the gym, only big.

Thanks to Johnny Lats, I was ahead of the curve on America's No. 1 show, Jerry Springer. *I think of him as a 17th Street experience.*

Since the TV's audio must compete with piped-in hip-hop and the clang of free weights, the experience is like watching a silent movie. Only when the gym din subsides do you catch the accents of Jerry's guests: Ghetto Squawk and Hill-Country Buzz Saw. A booker for another show who wanted my wife to come on as a shrink happily admitted that they depicted "trailer-park trash," and this was years before James Carville. Ungainly young women sit in skirts with hems at glute level; their swains sport patches of facial hair like weeds on a schoolyard infield.

Occasionally a parent appears to trade excoriations, giving new meaning to the phrase *loco parentis*. The emotions of wrath and lust, so carefully pared from the serious business of weight-lifting, flourish on Jerry's stage. Usually all the girls are sleeping with all the guys, or with each other. Sometimes reconciliation is proposed, and guests appear cradling bouquets. But they always end up using them to thrash the heads of their objects of desire. When the brawling graduates to fists or chairs, bouncers swarm in to break it up.

The *New York Post* recently told a waiting world that the fights were faked, but Johnny Lats was on the case

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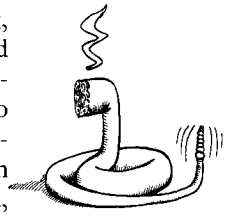
months ahead of them. It was obvious to the regulars, several of them bouncers themselves, that the scuffling went on too long for the efforts to suppress it to be real. "You just pick 'im up," one told me, "and say, 'Where you goin'?'" Our incredulity does not extend to the rest of the show, however, which is watched in an earnest, and censorious, spirit. This is one aspect of trash TV ignored by its critics: however gross the guests, or permissive the thought pills administered by the hosts, the audience can be stern judges of folly and lying. Imagine Cotton Mather at a bear-baiting. Maybe Sen. Lieberman should get to the gym more often.



It is still bear-baiting, though, with human bears, and hence deplorable. Most deplorable is Springer himself, who lurks among his studio audience asking questions, then gives a little sermon at the end, offering self-esteem (for his listeners) and bullet-proof First Amendment underwear (for himself—poor James Madison, what have you done to us?). Far and away the worst thing about him, though, is his suit. No bare thighs for him, only Armani. The suit says, "I'm no part of this pistarckle, I only hold, as 'twere, the mirror up to nature." It is a lie; Jerry Shakespeare is the onlie begetter, barker, and pimp. If Nazis had Schadenfreude, which I don't suppose they do, their emotions running more to hope and hatred, *Jerry Springer* would be television for Nazis: feral blacks and debased whites, all performing at the behest of a sharpie ringmaster.

At the Johnny Lats New Year's party, we watched a tape of Jerry's out-takes (available by special order) that were too hot for airtime—actual stripping, even more gaudy brawls. One moment stands out: a hillbilly harpy, railing at some inert black kid. I missed the connection between them—evidently not mother and son, though all other options were open. In the gym there were anticipatory murmurs: "Here it comes." She cocked back her arm, made a smooth, double-over-second-base swing, and slapped! his cheek. The young man snapped face-right, like a soldier. "Show it again!" cried my comrades. Hand and head went back and forth, back and forth, like dancers.

Big black men wanted to see the white lady do her thing. I didn't want to go there. □

FILM

A Past Past Escaping

JOHN SIMON

THERE have been two previous films about Oscar Wilde. In the 1959 *Oscar Wilde*, Robert Morley re-created a stage performance, amusingly but without much charisma. In the 1960 *The Trials of Oscar Wilde*, Peter Finch was a superb Wilde and John Frazer a very fine Alfred Douglas. Neither film covered sufficient ground. ***Wilde***, written by the gifted Julian Mitchell and directed by Brian Gilbert, whose *Tom and Viv* (about T. S. Eliot) was less than compelling, tries to go farther and deeper, but doesn't quite come off, either.

There is an unfortunate Masterpiece Theatre aura about *Wilde*, which, it must be conceded, would have been hard to avoid. Put some fine English actors into lavish costumes and opulent settings, photograph them resplendently, and what else will you get? Of course, this story is more somber and seedy, but it is also illumined by Wilde's charm and wit, and so that more or less balances out. The film shows some of Wilde's sordid relations with servants and stable boys, and does not shy away from all-male sex scenes. Yet it tends to sentimentalize, not least by Stephen Fry's rather too sweet and concerned Oscar, and it does not go into those wretched post-prison years of exile, poverty, drink, and degradation, leading to a pauper's death at 46. All that is laconically summed up in a title card.

Fry is an interesting actor (and a good writer as well), who does manage to look rather like Wilde. But whereas Oscar was not exactly good-looking

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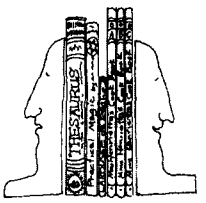
(Peter Finch, still my favorite Wilde, was perhaps too handsome), neither was he as funny-faced as Fry is. His somewhat beady and close-set eyes, crooked nose going off to the left, and mouth tending to curl to the right create a comic look that works for some scenes but undercuts others. Still, he is of the right large size, moves well, and delivers his lines stylishly. However, helped by the script (based on Richard Ellmann's biography), he does make Wilde into a rather more tender-hearted, even conscientious, figure than he must have been. Especially his relations with Constance, the wife he mistreated, and the two sons he neglected are artfully glossed over.

Mitchell's screenplay uses Wilde's story "The Selfish Giant" as a sort of refrain or incremental repetition. We see Wilde reading installments of the story (Constance, too, gets some) to the boys; later, we hear him read passages in voice-over whenever the movie returns to the kids. But as the story records the giant's coming to love the children he at first hated, these prose-poetic passages put a sentimental sheen on Wilde's treatment of Cyril and Vyvyan. Oscar, other than superficially, remained a selfish giant.

Inexplicably, the film shortchanges the three trials that are at the core of Wilde's downfall—tragic when you consider how many others, not a few of noble birth and high rank, indulged in the same practices with impunity. We are not even given the key moment in court when Edward Carson, cross-examining Wilde, asked whether he had ever kissed the 16-year-old Walter Grainger. "Oh, dear, no," was the reply. "He was, unfortunately, extremely ugly." The jury was shocked, and this proved the turning point in the case. But what also heavily contributed to Wilde's undoing was the wit he exhibited on the witness stand. Though it elicited much laughter, it also stirred up the resentment of the humorless; wit as much as homosexuality condemned Oscar Wilde. But the movie does not convey this.



The supporting roles are well taken. The handsome Jude Law is a tempestuous, recklessly amoral, fickle yet demanding Lord Alfred; Jennifer Ehle is a touching yet unsappy Constance; Vanessa Redgrave does nicely by Oscar's mother (though the part, like some others, does not allow for detailed characterization); Tom Wilkinson manages to make the beastly Marquess of Queensberry just a bit ludicrously human as well; Zoe Wanamaker is a quietly sympathetic Ada Leverson. Although good otherwise, Michael Sheen is a somewhat batrachian Robert Ross, and one doubts whether Oscar would have wanted to kiss him.

The prison sequences, though brief, make their powerful point. I had no idea, for instance, that inmates exercising in the prison yard had to wear hideous masks, and the treadmill scenes are good and scary. Martin Fuhrer, new to me, delivers sensitive cinematography, and Debbie Wiseman's music makes its effects economically. The final title card quotes the famous epigram from *Lady Windermere's Fan*: "There are only two tragedies. One is not getting what one wants, and the other is getting it." Wilde, poor fellow, had his share of both. Even so, a film detailing his pathetic decline has yet to be made. Or would that be too shattering to bear?

There is an unfortunate Masterpiece Theatre quality to Wilde, *which, it must be conceded, would have been hard to avoid.*

■ That splendid Italian director Francesco Rosi has not had a film here for some time. Now we get his 1996 *The Truce*, based on Primo Levi's 1963 memoir, *The Reawakening*. It tells what happened to Levi between the Russians' liberation of the sick and crippled at Auschwitz (the healthy had been marched off to their deaths by the Nazis) in January 1945, and his arrival home in Turin nine months later. The young Jewish chemist and anti-Fascist activist had been captured by the Germans and sent to Auschwitz, which he had the luck to survive. There followed a tragicomic odyssey.

Levi's experiences have their share of horror, but are mostly grotesque. There are the three months in Katowice where Levi works for the Russians as a hospital orderly. Then it is staggering marches and crazy detours by whatever trains were available up and down Russia, Byelorus, and Ukraine. Levi, who was to become a famous writer and successful businessman, never recovered from his past. In 1987, soon after hearing that *The Truce* was beginning to shoot, he committed suicide.

Perhaps the most colorful character Primo meets is a Greek, a cynical, sardonic opportunist who makes him carry his heavy bag, but also imparts lessons in survival. As they separate, the Greek gives Primo a pair of sturdy shoes, without which one cannot even forage for food. When they meet up again, the Greek is blithely running an itinerant brothel and offers Primo a girl at a much-reduced rate.

A Russian victory celebration is transformed by a recording of "Cheek to Cheek," to which a uniformed soldier does a clumsy Astaire imitation as a crowd of miserable deportees watches transfigured, their sexual longings reawakened. Another time, Primo and a starving band of his fellow Italians come across a farmer who is ready to shoot them. But when Primo does a comic impersonation of a chicken, he gets the amused farmer to give one to the gang. Still later, Primo comes across a young woman he saw the Nazis abuse at Auschwitz, and tentative, groping, bittersweet lovemaking ensues.

The film, written chiefly by Rosi and that old hand Tonino Guerra, is episodic and shapeless, but how else to convey desperate errings by foot and rail through a topsy-turvy Eastern Europe? John Turturro, who usually plays weirdos and maniacs, portrays Levi as introverted, bespectacled, soft-spoken, and shy. It is a good performance, though not quite a great one, somewhat overshadowed by that of the Serbian actor Rade Šerbedžia as the Greek.

The location photography, mostly in Ukraine, and mostly by another fine old Italian hand, Pasqualino De Santis, is both vivid and stark: the present in color, the death-camp memories in black-and-white. There are sentimental moments, but they are relatively few. And there are two tremendous lines. One is Primo's answer when told the war is over: "War is always." The other is Primo's observation, "God cannot exist if Auschwitz exists." Worth pondering, that. □

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SOUND ON DISC

The Enigma of Berlioz

RALPH DE TOLEDANO

UNTIL a few decades ago, the music of Hector Berlioz was for most Americans a silent enigma. Otherwise reasonable critics wrote of his "half-crazy ideas." *Grove's Dictionary* bemoaned his alleged lapses into bad taste and deplored his emphasis on "emphasis" (whatever that means) rather than "beauty." Even Stravinsky, who should have known better, dismissed Berlioz in 1938 as a "romantic orgiast." Until the LP and CD eras, most people had little more to go on than a few excerpts on the old shellacs. This has changed; now almost all his work is available on records.

Berlioz was a conductor as well as a composer—his treatise on conducting is still a standard text, although Wagner, who shamelessly stole whole passages from Berlioz, referred to him as a "vulgar time-beater"—and his orchestration, after Beethoven had breached the walls of classicism, exploded into what we call "romanticism." What he sought was to express melodically what cannot be expressed in language.

The *Symphonie Fantastique*, a work of intricate beauty, was his first success, and it opened the doors of music to his distinctive sounds and combinations of sounds. *Harold in Italy* is a work of such infinite variety that after many playings I always find something—a passage singing among the inner voices, a nuance—which I had never heard before. The cello passages alone will sometimes haunt me late in a sleepless night. So bless Philips for giving us, in a discount package, Berlioz's *Complete Orchestral Works* (six CDs, 456-143-2), which also includes the *Roméo et Juliette*, the *Grande Symphonie funèbre et triomphale*, the overtures to the operas, etc., etc. This recording is Berlioz unbuttoned; it will put you in his debt forever.

■ There are a number of CDs I have passed over which merit attention: Haydn's *Paris Symphonies*—as solid as his later *London Symphonies*, and further proof of his greatness vis-à-vis Mozart—conducted by Yehudi Menuhin and his Festival Orchestra (EMI 69383); 11 concertos of Vivaldi which reside in the upper reaches of the Baroque, by the Tafelmusik and Jeanne Lamon (Sony SK 62719); and Itzhak Perlman's *Cinema Serenade*, a collection of reprises from such films as *The Umbrellas of Cherbourg*, *Il Postino*, and *Schindler's List*, with John Williams and the Pittsburgh Symphony Orchestra (Sony SK 63005).

Berlioz sought to express melodically what cannot be expressed in language.

■ And so to a comment on Wynton Marsalis, dictator of jazz at New York City's Lincoln Center. As a jazz trumpet player, he rates a B–; as a composer he lacks the gift for anything other than the humdrum and the trite. The latter is decisively demonstrated in *Jump Start* and *Jazz*—two ballets recorded by the Lincoln Center Jazz Orchestra (Sony SK 62998) with Marsalis as lead trumpet—remarkable for their pretentiousness and bad taste.

Yet none of this has stopped him from wooing all the phonies in the music business, who have duly crowned him the new messiah of jazz. Result: he has been able to impose half-baked and racist standards on the Center's jazz programs. As Terry Teachout has reported in *Commentary*, Marsalis believes that whites are extraneous to the genre and do not belong in Lincoln Center's jazz orchestra. That the black contribution has been great in the creation of jazz is true. But to ignore such elements as English balladry, the four-part hymn, and the regular syncopes which dominate jazz but do not exist in African rhythms, as well as the white musicians who helped develop the art form, is like sticking one's head in a jukebox. □

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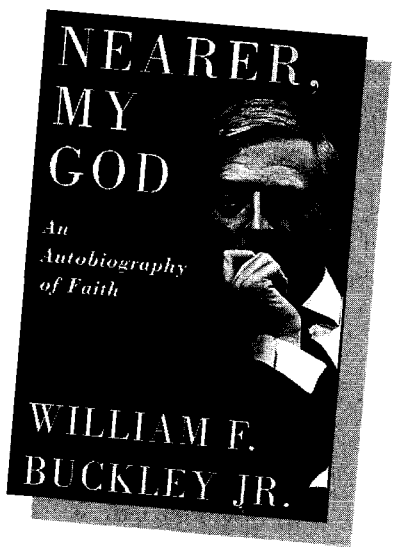

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DELECTATIONS

Gesondheid!

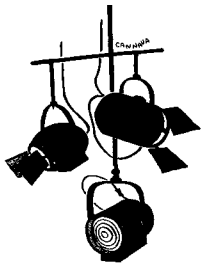
LINDA BRIDGES

IT still surprises me, although it shouldn't by now, to see South African wines openly offered on American wine lists and displayed on the shelves of American liquor stores. My one visit to South Africa, ten years ago, was during the boycott period, and there was no hope of finding here any of the wines you had enjoyed there, unless you could hook up with an expatriate who knew the ropes and who was importing for his "personal" use.

Of course that was not the case in Europe, where the particular form of posturing that fueled the boycott never caught on. Knowing how snooty the French can be about their own products, but especially their wine, I was astonished to be told that they imported lots of South African May wine. The kick: because South Africa is in the Southern Hemisphere, its May wine is produced in November. The French, being French, wouldn't drink it if they didn't truly like it; but the cachet of drinking May wine in a grey drizzly Paris autumn is admittedly part of the point.

My acquaintance with South African wine, apart from in the glass, came during a visit to Stellenbosch, a lovely university town an hour's drive east of Capetown. At that time, in 1988, apartheid had started to break down, although the laws had not yet been changed. There were intelligent, experienced men of good will who hoped—although white Conservatives said they were naïve, and many blacks said they were just trying to hold onto power—that a constitutional solution could be arrived at that would avoid the horrors that had played out in Zimbabwe and Kenya. At the local level, many white employers were consciously seeking to tap the theretofore undeveloped talents of their black and colored employees. These employers too were accused of naïveté—in thinking they could change some things without bringing down the whole system—and they were also accused of putting short-term financial gains ahead of principle. I had the impression that the first charge was partly true—that is, that it may have been naïve to hope that the good things in the old South Africa could be saved while ditching the indefensible. But as to the second charge, many of these employers were putting a different principle—duty toward the human beings under their supervision—ahead of short-term financial interest.

One of these was Pieter Malan, the owner of the Simonsig winery. He was the head of a local civic group and had carried out a highly regarded housing program for his workers. This had entailed asking them what kind of houses they actually wanted, and then building them what they asked for; the result was very much like the houses in the new American suburbs right after World War II, but it pleased the occupants, just as Levittown, the butt of so many jokes, pleased its.



When we had seen the houses and chatted with those of the residents who spoke English (our host and one of my guides were native speakers of Afrikaans, but I had picked up only a handful of words), we still had some time before our next appointment, and our host asked, almost shyly, if we would like to see the winemaking operation. Having enjoyed many winery tours in France and California (the highlights being purely fortuitous private tours of both Mouton and Lafite Rothschild—but that's another story), I said, Yes, please. And so, accompanied by the boundingly cheerful German shepherd who had also gone round to the houses with us, we saw the vats and the presses and the casks and the rows of bottles, and smelled that wonderful dark, autumn-woodsy smell of the *chais*.

I was astonished to be told that the French, snooty as they are, import lots of South African May wine.

All the while, Mr. Malan told us of South African viniculture. The grapes are mostly vinifera, and mostly the same varieties used in France, Italy, and California, but modified by the local soil and climate. South Africa has nothing to compare with the first-growth Bordeaux, the finest Brunellos, or the prize-winning Napa Valley Cabernet Sauvignons. It does have many very nice drinking wines, both red and white; the Fleur du Cap Chardonnay, the Mulderbosch Sauvignon Blanc, and the Veenwouden Merlot are now widely imported into the States.

How they stack up with the competition in terms of pleasure per dollar—given the greater distance, and therefore shipping costs, compared to every other wine-producing country except Australia—each wine lover will have to decide for himself. But there is one wine that is purely a South African invention and, so far as I know, has been copied nowhere else. It is Pinotage, a hybrid of Pinot Noir and Hermitage, and the result is a light red that to this palate is what Beaujolais is supposed to be but never is. Last year Pinotage became my summer wine of choice to go with those dishes with which it's hard to decide between red and white—braised tuna, chicken provençale, Michael Field's Lamb with Tomatoes, Scallions, and Parsley in the Turkish Manner (although I'm glad for the more recent trend toward culinary authenticity, some of the Fifties and Sixties efforts by gifted food writers to bring modified exotic dishes to our tables did produce delicious results).

I haven't seen Simonsig's Pinotage in my local stores, but a very nice one from Kanonkop is imported. It brings back wonderful memories of Mr. Malan and his German shepherd, the green vineyards with the graceful Dutch-inspired Cape houses of Stellenbosch, and the sharp grey-blue ridges of the mountains in the background. Adam Smith once said, "There is a great deal of *ruin* in a nation." Please God South Africa won't have to drain every dreg of it. □

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ON THE RIGHT / Wm. F. Buckley Jr.

President Clinton Faces the Press

NEW YORK, MAY 1

One of Mr. Clinton's problems when he faces three-hundred-odd reporters is the context in which he speaks. He tells us repeatedly that he must continue to be out there looking after the American people's business, which he has always done, notwithstanding "seven years" of persecution. At the end of the session, reporters present in the room can't be blamed for brooding on the salient datum. This was the first presidential press conference in the year—that's four months without a press conference. Why? Well why do you think? And the President knows that the reporters know why, and the reporters know that the President knows that the reporters know why—and round and round we go.

The people out there asking the questions quite naturally react with some amusement to the allegation that they are motivated by a desire to hang Bill Clinton. But it is true that almost one-half of the press conference was devoted to questions that had to do with the President's personal behavior and the implications of that personal behavior. The members of the press, on that rare day when they find themselves in direct contact with the President in a forum that presumes Questions and Answers, are quite naturally more inclined to ask about Monica Lewinsky's tapes than about Israel's 50th birthday.

For all his legendary facility, Mr. Clinton can't pull away from his inclination to impugn the motives of people who do or say vexatious things. The press—if you string together his statements over the past months—is an instrument of the vast right-wing conspiracy. On Thursday, Mr. Clinton added a fillip to Mrs. Clinton's right-wing-conspiracy thesis. "It's obvious, I think, to the American people that this has been a hard, well-financed, vigorous effort over a long period of time by people who could not contest the ideas that I brought to the table. Couldn't even contest the values behind the ideas that I brought to the table."

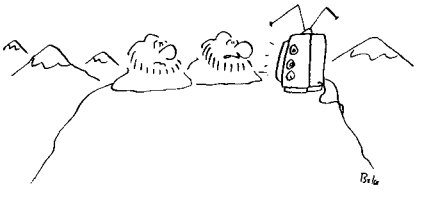
Mr. Clinton seems to be saying that if you do not believe in an increase in the minimum wage (to use a symbol of Clinton's programs) what you do is take out your frustration over your inability to make your point by stoking the Lewinsky ovens and going after Clinton's sex life. If you reduce that explanation to its necessary parts, Clinton is telling us—in effect—that Milton Friedman's opposition to a rise in the minimum wage expresses itself in impugning the President's private life.

So then what—in Mr. Clinton's analysis—are his critics ultimately engaged in? He has this down to a nice facile wordplay, which he used twice. The distinction he urges on us is between his "reputation" and his "character." His critics, Mr. Clinton acknowledges, can affect his reputation. But they cannot affect his character.

Now manifestly Mr. Clinton's reputation has been affected by the expressions of his critics, using material that floats in from Arkansas land plays, Little Rock hotels, White House suicides, and recorded conversations between Executive staffers. Sixty-five per cent of Americans believe Mr. Clinton has withheld the truth and shown other than the moral bearing they'd have wanted in a President. But, Mr. Clinton tells us, this derogation has had no effect on his character and will not have any effect on his character. This is a variation on the sticks-and-stones-may-break-my-bones antithesis. But it doesn't really help Mr. Clinton, in the eyes—to use his phrase—of those who are "modestly observant."

The trouble here is with the model Mr. Clinton attempts to invoke. It is, to reach for one historical figure, the model of the maiden who resisted to the death the assault on her virginity. But St. Agnes is not what comes to mind when Mr. Clinton's name comes up. It is, rather, the Sad Sack, the legendary soldier who never learned and kept bumping into reality. It would have been exhilarating if the President had said that such was his faith in the American people that he believed us capable even of affecting his character.

But he'd have interrupted himself to say that on that subject, he has no comment: David Kendall is in charge of that line of questioning. □



"Wow! It's a good thing all that stuff is illusory!"

Coalescing Confrontation

NEW YORK, MAY 5

One sniffs a polarization in the air. The Religious Right is pawing at the ground. The Religious Left is dogged and inflammatory. So when will the collision take place? Possibly this November, more likely in the millennial election, November 2000.

The cover on *U.S. News & World Report* is given to the primary non-presidential figure on the current scene. The text tells the story concisely: "The POWER of JAMES DOBSON / Tens of millions listen to this genial Christian crusader and read his books for moral advice. Now, he has decided the Republican Party must convert—or be brought down." The story tells of the singular influence of Dr. Dobson, who is not a minister but a psychologist, whose credentials are pretty unshakable and whose convictions are—brace yourself!—as firm as those of the ACLU. This doesn't seem right, in the cosmopolitan perspective, but there it is—on the matter of abortion, for instance, there is no distinguishing Dr. Dobson's passion in opposition, from Patricia Ireland's in advocacy.

What prompted recent attention was Dr. Dobson's visit to Washington, where he told the Speaker of the House that if the Republican Party did not advance the aims of the Religious Right, the GOP could forfeit whatever support comes in from the RR. This isn't exactly the single-issue politics so widely deplored. The labor unions promised in 1994 to strike down any congressman who voted in favor of NAFTA. Abortion is the issue most widely known to threaten political exclusion. A recent set of figures placed at about 17 per cent those who would not vote for a candidate who favored Choice, and those who would not vote for a Right-to-Lifer. Although Dobson's credenda include Right to Life, he asks for more, including a revised view of the First Amendment. He would place more emphasis on the clause that promises the free exercise of religion, at the expense of the clause that guarantees against an establishment of religion.

Dobson's organization is Focus on the

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Family and he writes many books and articles, but his special medium is radio. I have not heard his voice (I regret) and can't attest to its transformative qualities, but am swayed by the testimony of James Talent, a bright, conscientious, and eloquent congressman from Missouri who volunteers that "he [Dobson] is the instrument through which I committed my life to Christ. It is the single most important thing that has ever or will ever happen to me." The message of Dobson does to Congressman Talent what the mere sound of the three syllables *Roe* v. *Wade* does to so many others. And that signals a confrontation ahead that is other than philosophical. In the years 1820–1860 the quarrels over slavery were largely philosophical. The vote over the Kansas–Nebraska Act ended that. When the guns fired at Ft. Sumter, they traveled away from politics to *Machtpolitik*, the doctrine in political theory that introduces force as the (inevitable) next step.

There are no military legions mobilizing, to be sure, but the forces of compromise aren't getting any stronger. At a public forum last week at Bard College, Nadine Strossen, President of the ACLU, said that she and her organization would regard *any* revision of the abortion laws as a violation of civil rights. Barry Lynn, who is head of Americans United for the Separation of Church and State, got tumultuous cheers for saying that religion was "something people should go out and get for themselves."

If you take positions thus stated, and confront them with the proposal, say, that 16-year-old girls consult their mothers before they get an abortion, or that the Ten Commandments could hang in a courthouse without threatening Establishment, then something has to give.

At this point the leadership of the Republican Party begins by asking: What is the power of the Dobsonites? Is it at least the equivalent of the labor unions'? And then the corresponding question, If the Religious Right is appeased, will the counter-exertions of the Religious Left result in a net loss at the polls?

These questions are not easily answered, but judicious observers should take lessons in understanding that deeply held points of view are also taken by such as James Dobson. However earnestly one believes in the right of a woman to abort a fetus, one shouldn't be surprised at the earnestness of those who believe that a fetus is, however latently, a human being and not, therefore, to be confused with a tomato. Corollary political energy in behalf of the second position is no more to be wondered at than in behalf of the first. □

The Testimony Of Fred Friendly

NEW YORK, APRIL 24

Andy Rooney was one of the fourteen (14!) eulogists at the memorial service for Fred Friendly in New York, and he did a daring thing. The two men had been friends, we learned, for 53 years. Although (Rooney told us) he had been counseled not to do so, the lights in the huge, crowded theater at Columbia University went off and the screen lit up. It was Fred Friendly speaking, eight years ago, telling us about his Living Will.

He was big as life, imposing, stentorian, seductive, didactic. He could never see any reason to limit the size of an audience. Accordingly he was now telling that much of the world that would want to hear it from his own lips, that he *absolutely* and *unequivocally* prohibited any doctor from elongating his life by *sticking tubes* into his body or engaging in any other practice that held out nothing more than hope for biological survival. Friendly said that his design was to prolong *life*, not *death*. These schematics have a hard time up against the real world. Rooney told the assembly that he had visited his old friend in January, and that he had lost "90 per cent" of his mind. A series of strokes had progressively immobilized this man of titanic energy, the muse of television as the fleeted medium of elevated political thought.

Fred Friendly was the producer of the famous series of documentaries spoken by Edward R. Murrow. He was in due course made head of CBS News, but after two years he resigned, in protest against CBS's failure to televise some protracted congressional hearings. His resignation in 1967 was a very big news event, and other enterprises reached out to enlist him. He was called to the Office of the Dean at Columbia, who told Friendly that he was wanted as a tenured professor of journalism and that all the red tape, the usual business, could in his case be waived. "All I need from you is a copy of your curriculum vitae." That, said Friendly, was his for the asking. "There's only one thing I need to know: What *is* a curriculum vitae?"

Antonin Scalia's five-minute eulogy (all the speakers were respectful of time limitations) said of Friendly, a producer and teacher so widely recognized, feared, and loved for his unrestrained conduct, that he was at heart an innocent. That was so. He could never understand why CBS News declined to spend every penny it had on news and information ventures—simply could not understand it. Another speaker described Friendly's annual petition before the Ford Foundation. He was on one occasion preceded by another petitioner who went on and on, for more than a day or even two giving beef to the spidery legs of his application. When it came Friendly's turn to plead for his television documentaries and analyses he would speak in tempestuous tones about the vital nature of the work in hand and of good and evil. When asked a question, the speaker reported, Friendly would answer with a ten-minute blast leaving the Board of Trustees enormously impressed, even if no one had any idea what had been his answer, if in fact any answer had been given to the question asked. Leaving the boardroom after one Friendly experience, trustee Henry Ford remarked, "I don't know what that friggin' guy is all about, but I wish I could get him to sell cars for me."

The most orderly thing about Fred Friendly was his commitment to the reasoning of John Stuart Mill. If all the facts viewable are there and everybody has examined them, then democratic truths will crystallize. Friendly's appetites for points of view were comprehensive, and to his famous constitutional seminars he summoned not four or even six people, but twenty-four or twenty-six who sat around a circular table responding to a skilled moderator who had spent days and weeks probing such questions as, What are the respective priorities of the press and the government? The sessions would last for three hours, and sometimes reconvene after lunch, which was usually punctuated by an exhortation from Fred Friendly.

And of course the world doesn't quite work that way, even as Living Wills so often fail to work as designed. That really was the innocence Justice Scalia had in mind to remark. Innocence of that special stripe is especially appealing to American liberals, whose intellectual affirmations survive, perhaps transcend, experience. But the freshness of the thinking is always there, always appealing. And when it comes from the lips of a mastodonic advocate, himself so totally himself, so desperately anxious to communicate to the public, to alleviate pain, to nourish the mind, to rescue from despair, why then the temptation is all but irresistible to write out a Living Will against Millsian heresy. □

(Universal Press Syndicate)

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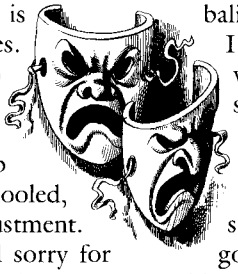
THE MISANTHROPE'S CORNER

FLORENCE KING

AT LAST I'm running with the herd and swimming with the tide and being a good little conformist. Americans, once gregarious and other-directed, are crawling into their shells and turning into shut-ins. In fact, they're turning into me.

The gated community is edging out open-hearth suburbia, and gates are only the beginning: there is talk of moats and drawbridges. Children once thought to need the give-and-take of classroom and playground to keep them from growing up warped are being home-schooled, never mind their social adjustment. And people who used to feel sorry for writers because we have to sit alone in a room all day are now moving heaven and earth to become self-employed so they can sit alone in a room all day.



This is glorious-new-dawn stuff, but what really makes me feel like a pioneer is the soaring popularity of catalogue shopping. According to a spokeswoman for the Direct Marketing Association, a majority of Americans now do some or most of their shopping from home, and the numbers are rising. The trend is attributed to gridlock traffic and time constraints on two-career couples and single parents, but the spokeswoman alluded gingerly to another reason: "people's growing disdain of crowded places."

Welcome to MisanMall. No spaced-out teenagers, no music, no Official Greeters, no NO SMOKING signs, no endless war-refugee hiking, no parking-lot kidnappings, no bomb scares, no "disgruntled employee" of the food court brandishing an AK-47 and ordering everybody into the icebox just as you're sitting down to lunch. It's just you and your thumb and your own private dreamland, the way it was when you were a child poring over the most famous catalogue of all.

Marketing analysts ignore it but I think one reason for the rise in home shopping is the Sears, Roebuck catalogue phase that children used to go through. It was like the dinosaur phase: every kid got hooked. I discovered the Sears catalogue at age six when we visited rural relatives. I spent the whole visit thumbing through it, fascinated not only by the bicycles and BB-guns but by merchandise I had no use for, such as baling wire and manure spreaders. I was in the throes of that universal childish delight in treasure hunts that Sears satisfied with one huge book.

Afterward I asked Granny if we could shop from it but she said, "We don't have to, we can go downtown." That was the trouble. Whenever she made me try something on in a store the saleswomen gathered round and gushed, "Isn't she just the sweetest little thing you ever did see?" It's terrible to be that misunderstood so I associated catalogues with succor at an early age.

I've been catalogue-shopping for a decade now and I love it. My first purchase was a $600 dual-floppy Sharp laptop from the Damark catalogue. Nothing has ever gone wrong with it and it has the best keyboard of any computer, laptop or desktop, I've ever owned. From the same source I also bought both of my fax machines, and nothing has ever gone wrong with them either. Thanks to the Damark and Lyben catalogues I never have to talk to smart-aleck techies.

Catalogue-shopping has even made me a better cook. Stores don't deliver anymore so if you buy an imported cast-iron Le Creuset pot you have to lug it out to the car and then up the stairs. The temptation to make do with your old cheap pot is great, but if you buy an expensive Le Creuset from a catalogue, UPS does the lugging and you end up with better coq au vin.

Good kitchen knives also make all the difference. Not even Vulcan could snap the blade of my $75 German carver, but I never would have learned as much about knives standing on my feet in a store as I did reading a detailed and attractively presented catalogue over breakfast. When the knife arrived I also had the time and energy to enjoy the brochure, learning how to say "Please don't use the knife to cut bones" in five languages. My favorite is: "*Bitte verwenden Sie das Messer nicht zum Hacken von Knochen*!" That's really telling 'em. I'm going to bellow it at the top of my lungs if I ever see another airhead salesperson in the flesh.

DID I just hear you grumble that once you start buying from catalogues you get bombarded with more catalogues? You're right. It's called "niche marketing" and I got my first taste of it when I sent for the gel-filled insoles. One foot product was all it took; now I get catalogues for crutches and wheelchairs. After I bought the moist heating pad I started getting neckbrace and traction catalogues, but my most memorable experience was landing in the niche from whose bourne no traveler returns.

It happened when I discovered a mail-order garment I've never seen in any store: they're 100 per cent white cotton, with legs extending three inches down the thigh. After misspending my youth in seductive lingerie the comfort is indescribable. You've had paper cuts on your finger? Well, I used to get lace cuts not on my finger, and now I'm being punished for my sins with thunderbolts of memento mori: I had no sooner ordered three dozen pairs of comfies than I was inundated with catalogues for liver-spot cream, bladder-control pills, write-your-own-will kits, and 911 neck alarms.

I welcome niche marketing because in my business you can't have too many catalogues. A foremost rule of writing, now largely ignored, is never call any object a "thing": you must name it. While reading one of the landscaping catalogues that started arriving after I bought the outdoor thermometer, I learned the name for a solution to a problem I don't have. You know how rain gushes out of the drainpipe and keeps hitting the same place beside the house until it makes a hole in the ground and water seeps into the cellar? To prevent this you buy a vinyl sleeve or polyethylene tube called a "downspout diverter." Why do I need to know this? I'll never buy a house but I do write about Bill Clinton, and something tells me it has the makings of an apt metaphor. □

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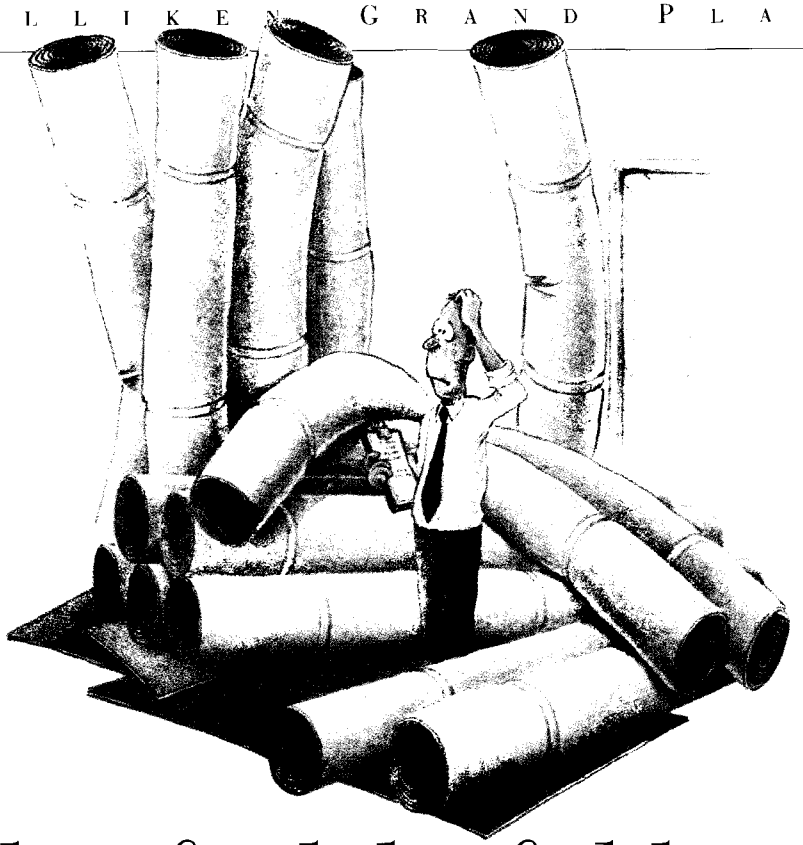
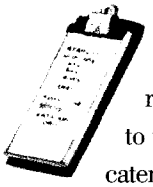
M I L L I K E N G R A N D P L A Z A



Quick—find the field pattern for the Mediterranean Room.



The clock is ticking. In less than an hour, you've got to locate the right carpet pattern, get some of it over to the right room, and fix a nasty hole the caterers just made. All before tonight's conference begins.

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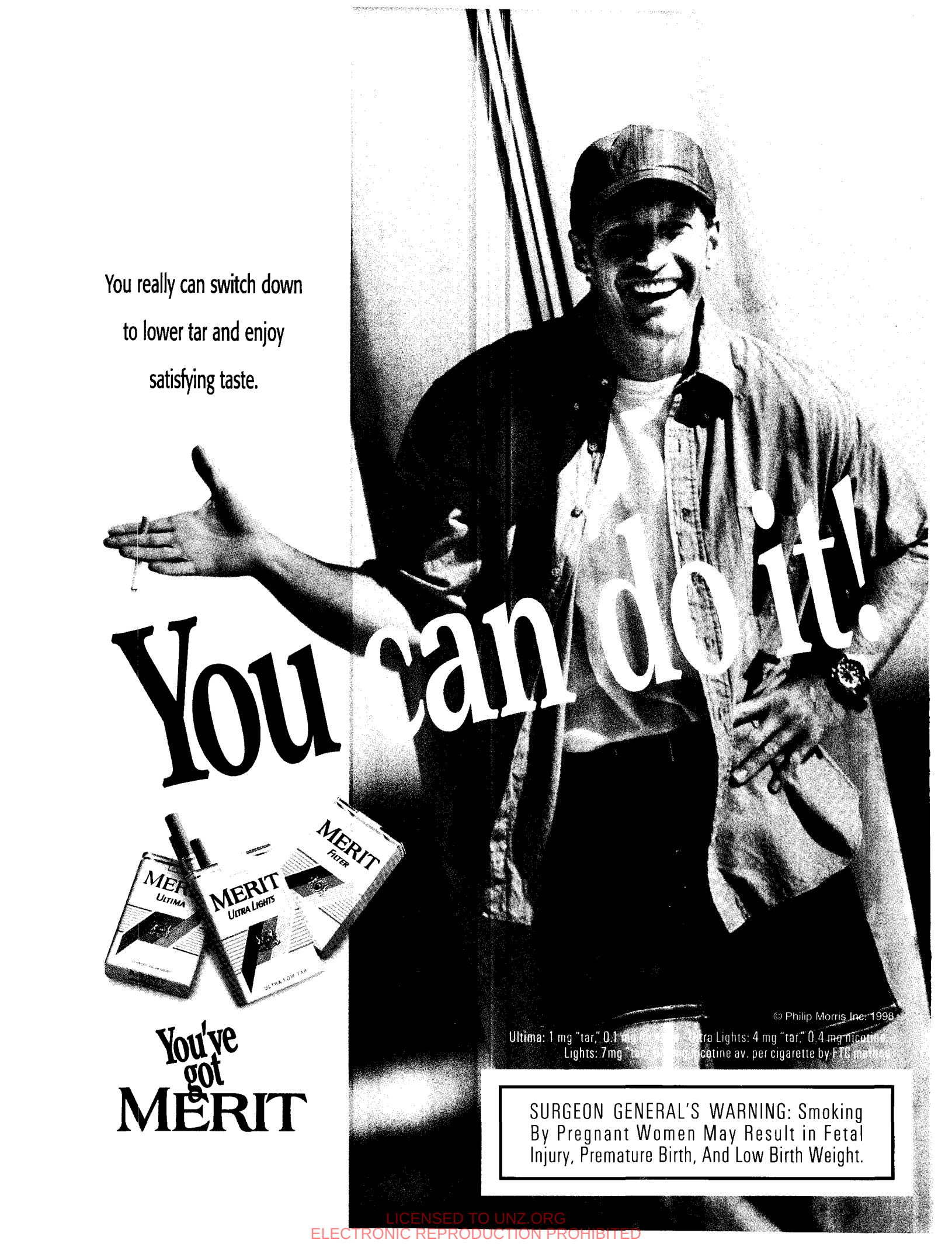
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